



After Chilcot: The ‘Doctrine of International Community’ and the UK Decision to Invade Iraq

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This article draws on the publicly available oral and documentary evidence produced by the Iraq Inquiry to interrogate the policy impact of the ‘doctrine of international community’, which Tony Blair first articulated during the 1999 Kosovo campaign. Guided by that doctrine, the UK’s objective was to reconcile US policy and the UN Security Council. There were two ways to do this: to convince the Bush administration that disarming Iraq was enough and that regime change was a step too far; or to convince the Security Council that disarmament was insufficient and that regime change was necessary. Unfortunately both these strategies failed to deliver the UK objective. To go to war under these circumstances revealed a flaw in the original doctrine, which was to assume that individual states could speak for international society even when they were opposed by a majority of states on the UN Security Council.

Keywords: Chilcot; Iraq War; Blair

Introduction

In seeking to explain why the UK supported the US-led invasion of Iraq in 2003 the pre-Chilcot literature offers two sets of general arguments.¹ The first set sees UK support as the consequence of its policy on Iraq, which is said to have reached its own conclusion that containment had been discredited and military invasion was the lesser evil. From this perspective the UK, and Prime Minister Blair in particular, had concluded that regime change was the only possible solution to the Iraq problem even before the Bush administration had decided to use military force to overthrow Saddam Hussein (Bluth 2004; Williams 2005). If anything Blair was ahead of policy change in the White House and he would have pushed for a tougher approach had the Bush administration not itself been willing to move beyond containment. The second set of arguments sees the decision to go to war as a consequence not so much of UK policy towards Iraq but more directly related to its policy on Bush’s America. From this perspective, independent British assessments of the Iraqi threat, which were much less alarmist, were put to one side once it was obvious that the Bush administration was serious about overthrowing Saddam Hussein’s regime. When it became clear that the transatlantic rift was too wide to bridge, a traditional ‘Atlanticist’ approach reasserted itself (Coates et al. 2004; Dunne 2004). According to this view, the UK’s national interest was best served by ‘the special relationship’ and it was necessary to go to war against Iraq in order to



preserve that. Drawing on the publicly available oral and documentary evidence produced by the Iraq Inquiry, this article argues that the 'doctrine of international community', which the prime minister first articulated during the 1999 Kosovo campaign (Blair 1999), played more of a significant role in UK policy than either of these two views suggest.

There is no doubt that Prime Minister Blair shared the Bush administration's concern about Iraq's weapons of mass destruction (WMD) programme and what that meant for regional and international security. Yet he was also concerned about what that programme said about the United Nations and the possibility of collective action in the post-9/11 world. In this respect, the American belief that Saddam had WMD was an issue because it gave the United States cause to act unilaterally and that had the potential to undermine the post-1945 liberal international order. There was a real risk that the UN would 'start to look like the League of Nations' (Manning 2009, 30; see also Blair 2010b, 407; Straw 2010a, 56–57). The difficulty for Blair in trying to square his commitment to that order with the evolving US policy on Iraq was that the Bush administration was driven by a strong preference for regime change rather than disarmament. That policy objective predated 9/11, it existed independently of the question of whether Iraq had WMD, it was, by itself, impossible to reconcile with international law and it had little support in cabinet and parliament. According to the then foreign secretary, Jack Straw (2010a, 17), for instance, there was 'no chance' that military force for the sole purpose of regime change would be 'a runner in the United Kingdom'. He personally regarded it as 'improper and also self-evidently unlawful'. There were two aspects to the UK challenge therefore. Either it had to convince the Bush administration that disarming Iraq was enough to restore international peace and security and that regime change was a step too far; *or* it had to convince others, especially the Security Council, that disarmament was insufficient and that regime change was necessary. It is argued here that UK policy-makers did not rule out either of these approaches until early 2003, at which point it became obvious that the United States was unwilling to accept the view that disarmament actually indicated a change in the character of the Iraqi regime. Given the Bush administration's decision to invade, the UK then fell back on the other strand of its policy, which was to try to persuade the Security Council to back the use of force.

Of course the UK failed in its attempt to pass the so-called 'second resolution', which would have unequivocally authorised the use of force. More importantly, the case for such a resolution did not command the support of a majority of the Security Council's members. The article argues that the decision to go to war under these circumstances ultimately revealed the flaws in Blair's conception of international community. His 'doctrine' of international community contained five conditions for the legitimate use of force. These were: are we sure of our case, have we exhausted all options, is the proposed action workable, are we committed to the region for the long term, are national interests involved? These tests were originally suggested to Blair by a member of the Iraq Inquiry panel, Professor Sir Lawrence Freedman (Freedman 2010). In the Inquiry, Freedman implied in his questioning of Blair's adviser, Sir David Manning, that events might have transpired differently had these conditions been applied appropriately (Manning 2009, 70). That may well have been the case. The criticism here, however, is that the original doctrine of interna-

tional community lacked an important sixth test. This insisted that *others* had to be certain of a state's case, competence and motives for using force. The importance of this unstated sixth test was noted shortly after the Kosovo crisis by Andrew Linklater (2000). The implication is that a state that is unable to convince others of the case for war cannot claim to be acting on behalf of international society when it uses force. Clearly the UK *tried* to convince the Security Council of the case for war against Iraq. It did however fail to achieve that objective, something that is reflected in the failure to command majority support at the UN Security Council rather than the absence of a second resolution. In this situation, Blair could only square the invasion with his doctrine of international community because that doctrine lacked the sixth test. In fact, the position taken by Blair on the question of the war's legality reveals that he assumed a state could go to war if *its own* interpretation of previous Security Council resolutions said as much, and if that state had convinced *itself* of Freedman's five tests. Only with this understanding of what it means to be a good international citizen could Blair go to war against Iraq and still claim to be acting on behalf of an international community. A potential consequence of that decision is that it undermines support for the progressive view of international community that Blair claimed to be advancing. This is because it gives ammunition to a realist argument that insists the term 'international community' is nothing more than a rhetorical veil to disguise great power hegemony (Booth 1994). In this respect, Blair's support for the US may have emerged from a progressive's commitment to the idea of international community but the decision to go to war was ultimately self-defeating.

The Doctrine of International Community

A concept of community is at the core of Blair's political beliefs. In contrast to the extremes of Thatcherite individualism, which declared that there was 'no such thing as society', and socialist communitarianism, which rejects individual liberty, the so-called 'Third Way' envisioned a society whose members have rights and responsibilities. Such concepts do not easily translate into the international arena, in part because realist International Relations theory tells us that selfish national interests and power politics dominate. Yet the idea of rights and responsibilities did find its way into the discourse of British foreign policy after Labour was elected to government in 1997 (Coates et al. 2004, 9–21). During the Kosovo campaign, Blair gave added definition to the so-called 'ethical dimension' of British foreign policy. The 'doctrine of international community' was defined in Chicago on 22 April 1999. At the core of Blair's vision was the idea that globalisation demanded a foreign policy that was 'guided by a more subtle blend of mutual and self-interest and moral purpose in defending the values we cherish'. Isolationism had 'ceased to have reason to exist. ... We are all internationalists now, whether we like it or not'. Ultimately, Blair argued, 'values and interests merge. If we can establish and spread the values of liberty, the rule of law, human rights and an open society then that is in our interests too. The spread of our values makes us safer'. For Blair, the doctrine of international community found expression in the American-led post-1945 international order. That spirit of collective action should not be forgotten.

Today the impulse towards interdependence is immeasurably greater.
We are witnessing the beginnings of a new doctrine of international

community. By this I mean the explicit recognition that today more than ever before we are mutually dependent, that national interest is to a significant extent governed by international collaboration and that we need a clear and coherent debate as to the direction this doctrine takes us in each field of international endeavour. Just as within domestic politics, the notion of community—the belief that partnership and co-operation are essential to advance self-interest—is coming into its own; so it needs to find its own international echo. Global financial markets, the global environment, global security and disarmament issues: none of these can be solved without intense international co-operation (Blair 1999).

This appeal to values as well as interests was informed by the period of soul-searching that had taken place across the humanitarian community following the massacres in Rwanda and Srebrenica. According to John Kampfner (2004, 37), Blair had read the UN secretary-general's 1999 report on Srebrenica. It had denounced the traditional view of peacekeeping, which saw the violence in the Balkans as a civil war between morally equivalent combatants and considered it necessary for the UN to remain neutral (United Nations 1999a). Blair was thus predisposed to the view that NATO should act to stop further atrocities in Kosovo even if the Security Council could not agree that military action was appropriate (Blair 2010b, 227–230). Any doubts about going to war without Security Council backing would have been cancelled out by the argument that the UN had not always been effective in the past and should not always be relied on to find the most appropriate response to future crises. For Blair then, NATO's cause in Kosovo was just. It was based 'not on any territorial ambitions but on values'. He told his Chicago audience that '[w]e cannot let the evil of ethnic cleansing stand. We must not rest until it is reversed' (Blair 1999).

There are two issues that are relevant here. The first is a concern that a moral commitment to humanitarian intervention can lead to imprudent military action. This is the significance of the five tests laid out by Freedman (2010) in his note to Blair's chief of staff, Jonathan Powell. A consideration of whether we are sure of our case, we have exhausted all options, whether the proposed action is workable, whether we are committed to the region for the long term, and whether the national interests are involved all act to restrain moralistic governments without ruling out military intervention. The risk, however, is that the 'we' in this instance is undefined. It could be limited to the state, the government, even the prime minister and his close advisers. It does not, as Andrew Linklater (2000) pointed out, necessarily require a government to convince other states that there is a case for war. The second issue therefore is that the doctrine of international community as it was formulated by Blair at Chicago was always vulnerable to what might be called 'the legitimacy test'. Of course, national self-interest and prudence is a necessary part of any legitimate military operation. But being self-interested and prudent does not necessarily guarantee legitimacy within international community (Booth 1994). Convincing other states through recognised institutions that there is justification for the use of force is an additional requirement. Claiming that one is acting on behalf of international society without convincing other states in those

institutions that action is necessary gives credence to the cynical side of the realist critique. From this perspective an ethical foreign policy is simply rhetorical. It is a veil to disguise the selfish interests of the powerful.

There were of course critics of the Kosovo operation who levelled this charge against NATO and against Tony Blair in particular (Barkawi 2001; Zolo 2002). At the centre of this accusation was the fact that the coalition had not received explicit authorisation to use force from the UN Security Council. As noted, this did not overly concern Blair because *he* considered NATO's cause to be just (Blair 2010b, 223–253). The Russian threat to veto such action was by definition unjust. One can support this claim, but only after it is exposed to the legitimacy test. Did others at the UN Security Council, aside from Russia, agree with Blair that the use of force in this situation was justified? Before answering that question it is worth noting that key opponents of the Iraq War within Blair's own government had supported the Kosovo War despite the lack of explicit UN authorisation. As foreign secretary, for instance, Robin Cook defended NATO's actions on the basis that Russian opposition was unreasonable and a humanitarian exception justified bypassing the Security Council. Cook, who resigned as leader of the House in response to the government's policy on Iraq, argued in July 2000 that the UK:

would act on the principle that a UN member state should not be able to plead its sovereign rights to shield conduct which is inconsistent with its obligations as a member of the UN ... Just such circumstances arose in Kosovo. Regrettably, the threat of the veto by two of the Permanent Members made Security Council action impossible despite majority support for our cause. But under these exceptional circumstances, we were still justified, in every respect, in intervening as we did (Cook 2000).

Evidence that such a view held international legitimacy can be found in the Security Council vote rejecting the Russian proposed resolution condemning NATO's actions (United Nations 1999b; see Wheeler 2001). That draft resolution was defeated by a vote of 12:3, which indicated that had Russia vetoed a resolution explicitly authorising the use of force it would have done so to defend a minority opinion. Its use of the veto in such circumstances could fairly be described as unreasonable. On the flip side, one could also claim that the reasons for force (either the humanitarian exception or because authority had been implied in previous resolutions) were valid because they commanded the support of a majority on the Security Council. Adam Roberts (1999, 105) described the vote against the proposed Russian resolution as giving NATO 'at least a crumb of legal comfort'.² This indicates a sense in which states can be in varying degrees of compliance with international law. The ideal is that the Security Council authorises the use of force by agreeing to an affirmative resolution, which of course cannot include a negative vote from a permanent member. But failing that, a case can be made, in certain situations and when the permanent member's veto is seen to be representing a minority opinion, that force can still be used in the name of the international community. To claim that such actions are 'legal' may be a stretch for some (White 2000; Wilmshurst 2010). The point, however, is that they might claim legitimacy.

9/11 and the Continuing Relevance of the International Community

There is no evidence that the UK government believed any of the claims circulating in Washington that Iraq was somehow involved in 9/11 (Straw 2010a, 26 and 2010b, 3). It is clear from the testimony to the Iraq Inquiry, however, that Prime Minister Blair shared a general concern that terrorist groups like al Qa'eda would not hesitate to use WMD should they possess them (Blair 2010a; also 2010b, 386, 396, 402). The risk of that happening increased as the number of states with WMD increased. For Blair, the character of the state seeking WMD and its relationship to the international community was also important. This was why Iraq stood out from other states. Not only had it used WMD in the past, but it had continued to develop that capability despite the wishes of the UN as expressed in numerous Security Council resolutions. Thus, 9/11 may have done nothing to change the objective situation on Iraqi WMD, something Jack Straw (2002; see also 2010a, 27) noted in a memo to the prime minister on 25 March 2002, but it did alter the UK risk assessment. It was not just the US administration that experienced this, Blair insisted. He too had less tolerance of a situation in which a regime like Saddam Hussein's sought WMD. Nevertheless, Blair demonstrated through his actions in the immediate post-9/11 period that he was able to separate Iraq and WMD proliferation from the threat posed by al Qa'eda. In fact, in a telephone conversation with the president and in a meeting on 20 September, Blair counselled against confusing the two issues. He urged the president to remain focused on the al Qa'eda presence in Afghanistan (Powell 2010, 16).

It also appears as if the UK's intense efforts to create an international coalition in support of Operation Enduring Freedom were significant for the later formulation of Iraq policy. The prime minister saw two threats in the post-9/11 period. The first was the obvious one of repeat al Qa'eda attacks. The second was that the United States would ignore the multilateral institutions of the post-1945 liberal order and thereby threaten Blair's efforts to cultivate the idea of community at the international level. This kind of concern predated 9/11. According to Kampfner (2004, 85), Blair was concerned that Bush would be 'a stay-at-home President, withdrawing from peacekeeping and other international obligations'. At a meeting held to discuss strategy for the new administration, the prime minister apparently stated that Britain had 'to turn these people into internationalists'. There was no doubt after 9/11 that the Bush administration would be internationalist. The concern instead was whether it would be *liberal* internationalist and respect international law and organisation. Of course, the UN Security Council gave its almost immediate and unanimous backing to the right of the US to use force in self-defence against Afghanistan, so the tension between US policy and international society was not exposed at that time (United Nations 2001). Blair did, however, take it upon himself to make certain that the coalition for Enduring Freedom was as wide as possible and included, crucially, Pakistan. His success in this regard would contribute to his belief that the same could be done when the US turned its attention to Iraq. One thing he was 'really anxious to do', he told the Iraq Inquiry, 'because we had put together a coalition on Afghanistan, was to try and put together a coalition again to deal with Saddam Hussein'. The UN route he explained was not necessary simply for a

domestic political purpose, 'it was important to me because I didn't want America to feel that it had no option but to do it on its own' (Blair 2010a, 39–40; also 2010b, 407).

This emphasis on coalition building was put in a broader intellectual context when he spoke to the Labour party conference in Brighton on 2 October 2001. The prime minister clearly had a knack of articulating the nation's thoughts and concerns in moments of tragedy. His words following the death of Princess Diana spoke for the nation at a time when the royal family was understandably unable to fulfil that role. As then, there was, following the events of 9/11, 'a coming together'. The power of community, Blair claimed, was asserting itself. A growing cosmopolitan awareness was emerging from the 'realisation of how fragile are our frontiers in the face of the world's new challenges'. In a globalised world, Blair argued, 'conflicts rarely stay within national boundaries' and the only proper response was a transformed sense of political community.

The critics will say: but how can the world be a community? Nations act in their own self-interest. Of course they do. But what is the lesson of the financial markets, climate change, international terrorism, nuclear proliferation or world trade? It is that our self-interest and our mutual interests are today inextricably woven together. This is the politics of globalisation. I realise why people protest against globalisation. ... [But] the issue is not how to stop globalisation. The issue is how we use the power of community to combine it with justice.

To the Afghan people he made the commitment not to walk away 'as the outside world has done so many times before'. The UK would stand shoulder to shoulder alongside the US not only because the US was a close ally, but because it had a duty to do so as a good international citizen.

People say: we are only acting because it's the USA that was attacked. Double standards, they say. But when Milosevic embarked on the ethnic cleansing of Muslims in Kosovo, we acted. ... And I tell you if Rwanda happened again today as it did in 1993 [*sic*], when a million people were slaughtered in cold blood, we would have a moral duty to act there also. ... We can't do it all. Neither can the Americans. But the power of the international community could, together, if it chose to. ... What is the answer to the current crisis? Not isolationism but the world coming together with America as a community. ... This is an extraordinary moment for progressive politics. Our values are the right ones for this age: the power of community, solidarity, the collective ability to further the individual's interests (Blair 2001).

This is a remarkable speech because in retrospect it contains within it the tension that would trouble Blair in the lead-up to the Iraq War. It suggests an assumption that because America was not isolationist, because it was internationalist, it was 'progressive', which is another way of saying liberal. If this indeed was Blair's understanding, it represents a misreading of the Bush administration, which was made up of *realist* internationalists who generally favoured a foreign policy based on a narrow conception of the national interest.³ This had been made clear by

Condoleezza Rice (2000), who had openly attacked President Clinton's emphasis on multilateralism and humanitarianism, arguing that his liberal or 'Wilsonian' approach was something different to, and to the detriment of, the national interest. Blair was not unaware of the ideological differences between Clinton and Bush and the difficulties a conservative White House might cause New Labour. In fact Jack Straw (2010a) suggests that Blair had been acutely aware of the need to gain the trust of the new administration, which he suggests was suspicious of the British Labour party. It appears, however, that the prime minister was so confident in his powers of persuasion that he did not see the Bush administration's realism as an obstacle to his long-term strategy, which was to square the US response to 9/11 with his vision of international society. The danger with this strategy was twofold: first, it was possible that the Bush administration would not move from a policy of regime change; and, second, other states would not share the view that regime change was necessary, which would be exposed if the issue was placed before the Security Council. Thus, when Blair set out *either* to convince the US that disarmament was sufficient *or* to convince the Security Council that regime change was necessary he embarked on a high-risk strategy. As the following sections demonstrate, the UK failed to achieve either objective and Blair was forced to resort to a third way of squaring the war with international community. This required an implicit acknowledgement that Linklater's sixth test was not central to his doctrine of international community, as well as an insistence that war could be justified even if it had failed to command the support of those elected to speak for the United Nations.

The UN Route

President Bush's decision to go after al Qa'eda in Afghanistan before dealing with Iraq was consistent with Blair's advice. According to Bob Woodward (2004, 1), however, the US administration started planning for the invasion of Iraq on 21 November 2001, just 72 days after 9/11. To be certain, President Bush had not decided at that point to implement those plans. Yet the evidence of an early start to military planning shows either an unwarranted confidence in the coalition's ability to prevail in Afghanistan or a frustration that the Afghan campaign was delaying action on Iraq. Either way, it was not until the first quarter of 2002 that UK officials began to sense that American priorities were beginning to shift. Sir Jonathan Powell (2010, 17), for instance, states that Blair's advisers were not aware of any plans following visits to Washington in December 2001. A clear signal of the shift was the president's State of the Union address, in which he identified Iraq as part of an 'axis of evil' that threatened the international community with weapons of mass of destruction. Even then, however, there was a strong sense that the president was not speaking to a definite plan. In a visit to Washington in February, for instance, Blair's foreign policy adviser, Sir David Manning, received assurances from Condoleezza Rice that the Americans 'would not plunge into any plans before the Prime Minister met the President at Crawford' (Powell 2010, 17).

What was agreed at Crawford in early April 2002 is a matter of dispute. There is an opinion that the Bush administration had by that time decided that a military campaign for regime change was its preferred policy and it was at Crawford that the

prime minister committed the UK to that policy. Evidence for the first part of this argument is Vice-President Cheney's prior visit to London, which he made before a tour of Middle East capitals. He disclosed at that meeting that his purpose in the Middle East would be to explore how the region's leaders would respond to a US invasion that deposed Saddam Hussein. Evidence for the second part of the argument is the 8 March 2002 Cabinet Office option paper, which stated that since 1991 the British objective was 'the reintegration of a law-abiding Iraq, which does not possess WMD or threaten its neighbours, into the international community. Implicitly, this cannot occur with Saddam in power' (Cabinet Office 2002a). Further evidence includes a request to the chief of defence to start military planning for 'Option 3: A Ground Campaign', when the paper was discussed at Chequers on 2 April. In addition, Alistair Campbell's diary entry notes that the participants at Chequers 'discussed whether the central aim was WMD or regime change. ... TB felt it was regime change' (Campbell 2007, 612); and David Manning's report on his pre-Crawford meeting with Rice insisted that the prime minister 'would not budge in [his] support for regime change' (Manning 2002). During the actual visit to Texas, Blair gave a speech in which he boasted about his participation in 'three conflicts involving regime change: Milosevic, the Taliban and Sierra Leone' (Blair 2002). As Freedman noted in his questioning of Jonathan Powell, only the second of these examples was a genuine case of regime change. In the first case it was the Serbian people who deposed Milosevic and UK action in Sierra Leone was a case of saving a regime (Powell 2010, 36). Nevertheless, by exaggerating his regime change credentials, Blair seemed to be indicating an enthusiasm for US policy, an impression former UK Ambassador Sir Christopher Meyer did much to propagate with his testimony to Chilcot. Meyer implied that in his moments alone with the president, Blair may have 'signed in blood' a commitment to go to war (Meyer 2009, 29).

The view that at Crawford the prime minister gave an unconditional commitment to go to war is contradicted by Blair and his closest advisers. Powell, for instance, dismisses Meyer's account by reminding the Inquiry that unlike him and Manning, the ambassador was not at Crawford. 'There was no undertaking in blood to go into war on Iraq. There was no firm decision to go on war' (Powell 2010, 24; also Blair 2010b, 400). What emerges from their testimony is that Blair's objective at Crawford was to make sure the US pursued its objectives by taking 'the UN route'. As Powell (2010, 23) put it, '[w]e believed unilateral action would have been a terrible thing by America, and we wanted to try and put it in a much wider political context. That's what we went to Crawford to try to do and what we tried to do subsequently during that year'. The Cabinet Office paper of 21 July tends to confirm this. It suggests there were limitations to UK support for US policy. The UK 'would support military action to bring about regime change, provided that certain conditions were met: efforts had been made to construct a coalition/shape public opinion, the Israel-Palestine Crisis was quiescent, and the options for action to eliminate Iraq's WMD through the UN weapons inspectors had been exhausted' (Cabinet Office 2002b). This point moreover was reinforced in the following days and months. Toward the end of July, the prime minister and his staff made it clear to the US administration that the UK could only support an invasion if it was pursued through the UN (Manning 2009, 17-18; Straw 2010a, 39, 50).

This insistence on 'the UN route' was a consequence, in part, of the legal advice the Cabinet Office had received from the Attorney-General, Lord Goldsmith. It is an indication of transatlantic differences that Goldsmith immediately rejected the idea that force could be justified as an act of anticipatory self-defence. While lawyers inside and outside the Bush administration were reconsidering the criteria that triggered the right to use force pre-emptively (Sofaer 2003), Goldsmith was firm in his assessment of how those criteria related to Iraq. When the Secretary of Defence Geoff Hoon publicly raised anticipatory self-defence as a possible reason for war against Iraq, for instance, Goldsmith sent him a 'mildly rebuking' letter making it clear that this was not an argument he as the government's chief lawyer could defend (Goldsmith 2002 and 2010, 17–18; see also Straw 2010c, 8). He reiterated this line to the prime minister at a meeting on 23 July. He also stated that the humanitarian exception, which in some quarters had justified the Kosovo War, did not apply in this circumstance. That left legal authorisation for war by the UN Security Council. In fact, what convinced Blair of the importance of returning to the UN was Goldsmith's advice that the existing body of resolutions could not authorise military invasion for the purpose of regime change. It was doubtful, moreover, whether they could authorise more limited action. The issue here was whether the argument the US and the UK had used to justify force against Iraq in 1998 was still relevant. The argument advanced at that time was that Resolutions 1154 (2 March 1998) and especially 1205 (5 November 1998) 'implicitly revived the authorisation to use force given in Resolution 678 (1990)' (Greenstock 1998, 6). Crucially, Goldsmith told the prime minister that he and the president would not be able to rely on this argument now. This was despite the fact that in May 2002 he had met with the State Department legal adviser William Taft IV and was aware that there was a different opinion in the United States. Goldsmith's advice during the summer of 2002 therefore made it more difficult for Blair to reconcile US policy with his doctrine of international community, which is probably why, as Goldsmith (2010, 23) stated, the legal advice was not 'terribly welcome'.

An additional difficulty for Blair was that his willingness to support regime change and his commitment to the UN route appeared to pull in different directions. The Attorney-General had made clear that the UK could only support military action with UN authorisation and legal advice consistently stated that regime change could not be an end in itself. It could only be a by-product of another purpose, for example disarmament (McDonald 2002). The Iraq Inquiry evidence provided by Sir David Manning, however, adds an interesting nuance to this. Manning insists that Blair consistently believed he could persuade Bush to accept disarmament as a sufficient policy objective because disarmament would fundamentally change *the character* of the regime. In other words, Blair could achieve his objective by bringing US policy round to something that was amenable to the Security Council. So, for instance, Manning told Chilcot that the prime minister 'never made any secret of the fact that if the result of disarming Saddam was regime change, he thought this would be a positive thing' but that his primary aim was disarmament (Manning 2009, 24). At the Camp David meeting in September 2002, moreover, Blair would try to convince the US not only to accept the UN route but to accept disarmament as an end goal as well. This depended on the imaginative definition of 'regime change' cited above being accepted by US policy-makers. Clearly it would not be

accepted by all in the administration, but it appears that the president at least might have been persuaded. So, according to Manning (2009, 25), the president said:

that if by any chance Saddam accepted and implemented the terms of a new resolution, we would have succeeded in changing the very nature of the regime, and in a colourful phrase, which has stayed with me, he said: 'We would have cratered the guy'.

While the translation of this particular Bushism may be uncertain—'cratering' probably means hollowing out—Manning's broader point is not. It was obvious to him at that time that the president could have lived with an outcome that saw Saddam Hussein remain in power. To make sure the Inquiry understood the implication of this for UK policy Manning notes further how it:

was certainly our view, and it was a view that was on several occasions conceded by Dr Rice and, indeed, by the President, that if Saddam Hussein accepted the provisions of, as it turned out to be, UN Security Council Resolution 1441, the situation on the ground in Iraq would be so profoundly different that *the regime would have changed itself*, and therefore the threat posed by Iraq to the international community would have been dramatically transformed ... There was speculation that he would have found it very difficult to survive. I don't know whether that would have been correct, but it [disarmament] would have *changed the regime* in a profound way and in a way that was certainly acknowledged even by the US administration (Manning 2009, 31–32, emphases added; see also Powell 2010, 24).

Blair reinforced this in his evidence to the Inquiry. Despite his interview with TV chat show host Fern Britton, in which he said he would have gone to war had he known Saddam did not have WMD, the prime minister insisted that at the time the basis for military action was Saddam's failure to disarm (BBC 2009; Blair 2010a, 29–30 and 2010b, 400). He also confirmed his belief that the American position was one of regime change only because they did not believe Saddam would disarm. They regularly conceded that they would 'have to take yes for answer' had the weapons inspectors clearly stated Iraq was in compliance with Security Council resolutions. In Blair's words, 'President Bush made it clear that America would have to adjust policy if Saddam let the inspectors back in and the inspectors were able to function properly' (Blair 2010a, 50; see also 2010b, 399). Blair (2010a, 64; 2011, 45) also dismissed what he called the 'binary distinction' between WMD and regime change. By this he meant that WMD and regime change were not two different issues with the threat of the former being exaggerated to provide legal cover for the latter. They were linked because the intention to acquire WMD in violation of the United Nations stemmed from the regime's character. This resonates with Manning's claim that WMD and regime change somehow merged although there are differences of emphasis. In Manning's formulation the suggestion was that the Iraqi regime could have been deemed to have changed if the UN inspectors were able to disarm Iraq. In Blair's construction the nature of the regime made it inevitable that Iraq would not disarm. Saddam would not, as Blair told the Inquiry, change his 'heart' on this issue (2011, 85). From this perspective, Saddam would always be in breach of Security Council resolutions so the only way to achieve disarmament and restore UN credibility was through regime change. The evidence

does suggest, however, that the prime minister and his team held on to both these formulations for as long as possible. If they could convince the US that disarmament was in fact regime change then they had squared US policy with the Security Council; and if they could convince the Security Council that regime change was in fact disarmament then they would have achieved the same objective using a different approach.

Another Unreasonable Veto?

Following his meeting with Blair at Camp David on 7 September President Bush told the UN General Assembly that he would work with the Security Council on Iraq to secure the necessary resolutions.⁴ UK officials all recognise that Blair's influence was not decisive in persuading the president to take the UN route. Manning (2009, 21) for instance says the decisive moment was a 5 August meeting that the president had with Secretary of State Colin Powell and Condoleezza Rice (see also Powell 2010, 88). It was nevertheless a significant success for UK diplomacy. The goal of squaring the US commitment to regime change with the will of the international community as articulated by the UN Security Council was at that point still possible. It appears from Manning's intriguing testimony that in setting out this possibility the prime minister was under the impression that *two* further Security Council resolutions would be needed, one to set out the conditions that Iraq must comply with and another to authorise action (Manning 2009, 24). This is extremely important of course because Blair took the UK to war with only *one* significant further resolution. Because that seemed to contradict what Blair had previously considered necessary, it lends credence to the argument that the commitment to the UN was never a *condition* of UK support, it was merely a *preference*; and because it was a preference that was dropped when the second resolution was not available it creates the impression that Blair's commitment to international community was never serious. Such an argument hangs on the interpretation of the one additional resolution that was passed in November 2002, Resolution 1441.

The negotiation of Resolution 1441 has to be understood against the backdrop of the military timetable, which was of course being dictated by Washington. The Cabinet Office paper of 21 July 2002 reveals that UK policy-makers were acutely aware of the time constraints. It reflected the prevailing legal advice, which was that regime change per se was not a proper basis for military action under international law but that it 'could result from action that is otherwise lawful' (Cabinet Office 2002b). A legal basis for supporting the US could therefore be found if the Security Council agreed to military action to disarm Iraq by removing the regime. This had to be done, however, before January 2003 because it was then, the Cabinet office judged, that the US would most likely go to war. The assumption here that the US would go to war somewhat belies the prime minister's view that he could persuade the president to accept disarmament without regime change. Nevertheless, and despite the lack of lead time, UK officials continued to believe that they could somehow reconcile the US and UN positions. Blair had, by September, helped persuade the president to take the UN route. He now had to persuade the Security Council to support the US on *two* separate occasions, once to set the conditions Iraq must meet and a second time to decide what action was appropriate should it fail to comply. There was not, however, much time to implement such a strategy. As the Cabinet Office put it in July,

[i]t is just possible that an ultimatum could be cast in terms which Saddam would reject (because he is unwilling to accept unfettered access) and which would not be regarded as unreasonable by the international community. However, failing that (or an Iraqi attack) we would be most unlikely to achieve a legal base for military action by January 2003 (Cabinet Office 2002b; see also Blair 2011, 56).

This pressing timetable, as well as the fragile nature of the US commitment to the UN route, explains Sir Jeremy Greenstock's approach to negotiating what became Resolution 1441. Greenstock was the UK's ambassador at the UN and he told the Iraq Inquiry that he had sought a resolution that could, like Resolution 1205 (1998), identify Iraq as being in material breach of its disarmament obligations under Resolution 687 (1991). In 1998 that was said to have revived the authority contained in Resolution 678 (1990) to use 'all necessary means to restore peace and security to the region' and it was on this basis that the US and the UK claimed legal authority for Operation Desert Fox. Despite his realising that the use of 1205 in this way 'seriously annoyed' the Russians, Greenstock sought to replicate its effect (Greenstock 2009, 35). If he could achieve this then there would be no need to return to the Security Council and the UK could support the US' use of force without a second resolution. The prime minister would then have achieved his goal of squaring US policy with the international community before the US launched military action in January. The problem for Blair and Greenstock was that lawyers at the Foreign Office considered the revived authority argument to be weak and were unable to support anything more than limited military action (Wood 2002a and 2002b). As the deputy legal adviser to the Foreign and Commonwealth Office, Elizabeth Wilmshurst, put it in her evidence to the Iraq Inquiry, Operation Desert Fox had been based on 'a strained legal argument'; and besides, what the US and UK were planning for 2003 was the invasion of another country, something that had not been considered either in 1998 or 1990 (Wilmshurst 2010, 29). The Attorney-General was aware of these concerns. He had stated in July 2002 that he disagreed with a revived authority argument based on Resolution 1205 (1998). Crucially, however, he did not necessarily disagree with *the principle* of revived authority. In the autumn of 2002 then both the Foreign Office lawyers and the Attorney-General agreed that another UN resolution was needed before war (Wood 2002b; Goldsmith 2011). As would become clear, however, they disagreed on what that resolution should look like.

It is here that the Kosovo precedent is important but not in the way that phrase is usually understood. The UK was not about to argue that a humanitarian crisis in Iraq justified the use of force without Security Council authorisation. Goldsmith had already ruled that out and his information had not changed. Rather, what Goldsmith and others took from the Kosovo case was that a state could be in varying degrees of compliance with the international law on the use of force. Thus, Foreign Secretary Jack Straw told Vice-President Cheney that the UK preferred a diplomatic process that secured two additional resolutions but '[w]e would be OK if we tried and failed (*à la Kosovo*)' (Wood 2003, emphasis added).⁵ This position was also reflected in the Attorney-General's legal advice of 7 March 2003 in which he stated that 'the safest' legal course was to gain another resolution after 1441 explicitly to authorise the use of force (Goldsmith 2003). This implied that gaining a second resolution was preferable but it was not the only legal route to war. In fact,

by February 2003 Goldsmith had concluded that there was 'a reasonable case' for the argument that war without the second resolution would be lawful.⁶ The Foreign Office lawyers however maintained their opposition to the revived authority argument and their concern was matched across the academic community.⁷ At issue here was who made the final assessment that Iraq was in material breach of its obligation to disarm under Resolution 687 (1991). The Foreign Office lawyers argued that the text of Resolution 1441, which was passed in November, was clear. Only the Security Council could decide that Iraq was in material breach of its obligations and, by implication, only the Security Council could revive the authority to use force that was contained in Resolution 678 (1990) (Wood 2002c and 2003). Yet for the Attorney-General operative paragraph 12 of 1441 was unclear. It stated that the Council would convene immediately upon receipt of a report from the weapons inspector, 'in order to consider the situation and the need for full compliance with all the relevant Council resolutions in order to secure peace and security' (emphasis added). For Goldsmith, the text contradicted the Foreign Office argument. Had the Security Council considered it necessary, on the finding of material breach, to pass a second resolution it would have changed operative paragraph 12 to say so. There was a requirement to convene and *consider*, but there was no need for the Security Council to *decide* what action was necessary. That decision was for individual states to take by themselves.

Of course, the Security Council did convene to discuss the reports from the weapons inspectors who had entered Iraq after 1441 was passed. For those who argued that 1441 allowed the member states to decide for themselves whether Saddam was in further material breach it mattered only that the Council met to consider these reports. It did not matter that they could not agree on a second resolution because all that 1441 required to revive the authority granted in 678 (1990) was that they consider the situation. The fact, however, that Blair persuaded Bush to delay the invasion in the hope of securing a second resolution, and the fact that they were unable to find enough support to get that resolution, created the impression that his decision to go to war was an illegal one. Moreover, when the Attorney-General delivered his unequivocal one-line note stating that military action without the second resolution was not unlawful it created the impression that he had been 'leaned on' to change his earlier advice. Goldsmith insists that his 14 March note to this effect was not a consequence of political pressure. It was instead based on a sense that he would be happy to defend the revived authority argument in court. His difficulty, and that of the government's, was that they had already conceded that theirs was not the strongest legal argument. For Goldsmith, the weaker argument was still lawful, but for the Foreign Office lawyers, one of whom resigned rather than continue to serve the government, the use of force against Iraq was 'contrary to international law' (Wood 2010, 5).

Although Blair was no doubt satisfied with the Attorney-General's final advice, the failure to secure the second resolution needed explaining. Blair did this by recalling the idea of the 'unreasonable veto'. This is not a concept that has legal significance, but it was, as noted, used to legitimise NATO's Kosovo War. It was claimed in 1999 that the Security Council had implied the use of force in its previous resolution in order to prevent a humanitarian crisis and the Russians had acted unreasonably when they threatened to veto a resolution that would have made that mandate

explicit. This example was clearly on the prime minister's mind as the Attorney-General continued to insist that a second resolution provided the 'safest' legal course to military action against Iraq. For instance he refused to reassure viewers of BBC 2's *Newsnight* that he would be bound by a veto of the proposed second resolution. 'Supposing in circumstances where there was a clear breach of Resolution 1441', he argued, 'and everyone else wished to take action, one put down a veto. In those circumstances it would be unreasonable. Then it would be wrong because otherwise you couldn't uphold the UN. Because you'd have passed your resolution and then you'd have failed to act on it' (BBC 2003).⁸ He therefore seized on President Chirac's 10 March statement that France would veto a second resolution 'no matter what the circumstances'. Chirac played directly into Blair's hands when he stated that:

there could, effectively, be a majority of nine votes or more for a new resolution, one which would authorize war ... If that was the case, then France would vote 'no'. France will vote 'no' because she considers tonight that there is no reason to wage a war to reach the goal we set ourselves, that is the disarmament of Iraq (Newshour 2003).

As with Russia in 1999, so now France seemed to be willing to act against the majority view of the Security Council. It was, Blair claimed, acting unreasonably. In such a situation the failure to gain a second resolution was not evidence that the US and UK were acting contrary to the wishes of international society.

The difficulty with this position is that Chirac's veto scenario was hypothetical. In reality, the argument for war never commanded enough support to pass the second resolution. 'Everyone else', to use Blair's formulation, did not want to take military action. Had the matter been put to a vote the French would have been voting with the majority and not therefore exercising its veto. There was in this respect no parallel between Russia's position in 1999 and the French one in 2003. Robin Cook is useful to cite here, not only because he articulated one of the most powerful cases against the war, but also because he had, as noted above, defended the 'unreasonable veto' argument during the Kosovo War. The difference for Cook was that the French were not being unreasonable and the evidence for this was the distribution of votes in the Security Council.

It is not France alone that wants more time for inspections. Germany wants more time for inspection; Russia wants more time for inspection; indeed, at no time have we signed up even the minimum necessary to carry a second resolution. We delude ourselves if we think that the degree of international hostility is all the result of President Chirac. The reality is that Britain is being asked to embark on a war without agreement in any of the international bodies of which we are a leading partner—not NATO, not the European Union and, now, not the Security Council (Cook 2003).

This is confirmed by the man charged with negotiating the second resolution on the UK's behalf, Sir Jeremy Greenstock. He told the Iraq Inquiry that he 'never felt that we [the UK] got close to having nine positive votes in the bag' (Greenstock 2009, 71).⁹ Likewise, Jack Straw (2010c, 90) tried to put a positive gloss on the situation but admitted to the Inquiry that as 'a statement of absolute fact' the UK never had

nine votes.¹⁰ On this basis, Greenstock concluded, the decision to go to war was from his perspective 'legal but of questionable legitimacy in that it didn't have the democratically observable backing of the majority of the member states' (Greenstock 2009, 38). Ultimately Blair failed to square the decision to go to war with the UN Security Council. This may not have been necessary for Blair, who had convinced himself that invading Iraq was the right thing to do; or for the UK parliament, which voted overwhelmingly in favour of military action. It is, however, difficult for the UK to claim that, in these circumstances, the war was in the best interests of, or on behalf of, international society.

Conclusion

Persuading the Americans to take the UN route was a Pyrrhic victory for Blair. Ultimately, his argument that the Iraqi regime was a threat to international peace and security did not stand up to the additional scrutiny that multilateralism provides. His efforts to convince others of his case led to accusations that he had 'sexed up' the intelligence and even lied to the British and international public. The Hutton and Butler inquiries cleared Blair of these charges and of course Blair continues to defend himself vigorously by arguing that he had to make a judgement about the intelligence. Yet as Freedman suggests in his questioning of Blair before the Chilcot Inquiry, President Chirac also thought that Iraq had WMD but he refused to go to war without proof that they existed. Unlike Chirac, Blair's judgement was wrong, and this Freedman further suggests was because he failed to exercise 'due diligence' in managing the intelligence process (Blair 2010a, 82). The failure to discover WMD leaves Blair relying on a weak counterfactual to justify his decision. The question he asked the Inquiry was where we would be now in 2010 if the US and UK had not acted. His implication of course is that Saddam Hussein (or his sons) would have been threatening the region with WMD (see also Straw 2010c, 86). For the families of those killed in the war, this argument demonstrates insensitivity to the human cost of his decision, which underestimated the difficulty of regime change as well as exaggerating the threat Iraq posed (Keys 2010).

The purpose of this article has been to consider the UK decision within the intellectual framework provided by the concept of 'international community'. It has argued that UK diplomacy in the lead-up to the war cannot be understood without reference to that framework. Critics might well argue that the decision to go to war without a second resolution demonstrated that ultimately a narrow conception of UK national interest prevailed over any commitment to international community. This, however, was not the case. Even without the second resolution Blair still argued that he was acting out of a normative commitment to international society and that he had achieved his objective, which was to insist that the invasion was done to enforce the will of the United Nations. That argument is weak because regardless of how one interprets 1441 the UK attempt to get a second resolution revealed that a majority of Security Council states were against the war. Had convincing other states been a sixth test in Blair's 'doctrine of international community' then events might indeed have taken a different course, but the point here is that Blair was not trading values for interests; he was instead acting on a flawed conception of international society. He was not a crude realist willing to ignore or

use international society for national gain. He would for instance have been horrified at Sir Christopher Meyer's strange suggestion that UK Iraq policy might have delivered commercial gains for British airliners through the liberalisation of air traffic in the United States (Meyer 2009, 73). Close ties with the United States did of course have a hold over UK policy. Yet the influence they exerted was primarily normative. They influenced the UK government's conception of what it meant to act on behalf of the international community. This can be seen in the fact that the Attorney-General adopted the US reading of 1441 after talking to his American counterparts. From this perspective, the US and the UK rather than the UN Security Council could decide what was in the common interest.

Because Blair has had a hard time convincing others of his reasons for war he occasionally grasps at contradictory arguments to justify his actions. This is the case with the Fern Britton interview and his subsequent backtrack before the Iraq Inquiry. It is also the case with his attitude to 'the special relationship'. While he argues that he only supported the US invasion because 'it was the right thing to do' he has hinted that he could not have changed direction in March 2003 without harming the national interest. '[Y]ou can distance yourself from America, if you want to', he told the Iraq Inquiry, 'but you will find it is a long way back' (Blair 2010a, 62). This too is a misreading of what was at stake. Of course the Bush administration spoke for the United States at that time, but it was not long after the invasion that its brand of unilateralism and offensive realism became deeply unpopular. This is reflected in the following statement by Anne-Marie Slaughter, who as director of the State Department Policy Planning Staff occupies a significant role in the making of US foreign policy under President Obama.

Woodrow Wilson believed in what he called 'common counsel.' ... [T]he idea was that people can come together and deliberate collectively, and they will produce a better outcome. It wasn't about including everybody just for the sake of inclusion; it was a genuine belief that you would get better outcomes. ... If you apply that principle internationally, it argues that we should work through international institutions, not just because that's the law or because we think other countries will like us more if we do, although the legitimacy part is important, but because we will actually get better outcomes. We would have gotten a better outcome in Iraq if we had really listened to other countries in the United Nations. There were many countries, many of them our allies, telling us that there were not weapons of mass destruction, or at least that we should look much harder before we decided that there were. In fact, if you go back and look at the debates, it is striking just how accurate many of the opponents from other countries were (Slaughter 2009).

In this context it is not unreasonable to conclude that the UK did not need to support the Bush administration to maintain the special relationship with the US. This makes the decision to go to war without having unequivocally made the case at the UN Security Council all the more frustrating to progressives committed to a concept of international community. It has been argued here that this decision stemmed from a flaw in Blair's original 'doctrine' of international community. Professor Sir Lawrence Freedman hinted in the Iraq Inquiry that if his five tests (are

we convinced of our case, options, capability, commitment and interests) had been properly considered UK policy might have been different. The argument here is a variation on that theme. Had Andrew Linklater's sixth test (are *others* convinced of our case, options ...) been given greater weight in March 2003 then the crucial decision to join the US-led invasion of Iraq might also have been different. That is not the only concluding point, however. Applying the sixth test is important even in retrospect because it demonstrates, as Slaughter suggests, that the great powers tend to underestimate the value of common counsel. Applying it to the decision-making at the Security Council in March 2003, moreover, demonstrates that the invasion of Iraq was an action progressives committed to a proper understanding of international community could not have supported. The majority of those elected to speak for the international community opposed the war. Realising this means that progressives can renew their commitment to the idea of international community knowing that it did not lead the UK into the Iraq War and that it is something more than just a cover for the selfish pursuit of great power interests.

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Notes

This research was supported by ESRC grant number RES-000-22-3252. The author would like to thank the organizers of the February 2010 BISA British Foreign Policy Working Group conference where this paper was first presented.

1. The Chilcot or Iraq Inquiry is the third public inquiry into the UK decision to join the American-led coalition that invaded Iraq in March 2003. The Hutton Inquiry was tasked with investigating the death of the weapons inspector, Dr David Kelly, who was implicated in press reports that the UK government had 'sexed up' the intelligence on Iraqi weapons of mass destruction (WMD). Available online at: <http://www.the-hutton-inquiry.org.uk/>. The Butler Inquiry was set up 'to investigate the accuracy of intelligence on Iraqi WMD up to March 2003, and to examine any discrepancies between the intelligence gathered, evaluated and used by the Government before the conflict, and between that intelligence and what has been discovered by the Iraq survey group since the end of the conflict'. Available online at: <http://www.archive2.official-documents.co.uk/document/deps/hc/hc898/898.pdf>. The Chilcot Inquiry had a broader remit to focus on policy. It considered 'the UK's involvement in Iraq, including the way decisions were made and actions taken, to establish, as accurately as possible, what happened and to identify the lessons that can be learned'. Witness testimony was broadcast live over the Internet and the transcripts used here are available on the same website: <http://www.iraqinquiry.org.uk/about.aspx>. Declassified documents are also uploaded to the site. However, the Inquiry also had access to documents that are not available to public scrutiny. As a consequence, it is necessary to point out that this article is not based on all the evidence available to Chilcot. The article was written prior to the Inquiry publishing its findings.
2. Wheeler (2001) notes that NATO might have secured greater legitimacy had the General Assembly voted on the matter under the Uniting for Peace resolution.
3. The real split in the administration was between *offensive* realists like Cheney and Rumsfeld who believed US interests were secured through a unilateralist approach that sustained a position of unipolar primacy and *defensive* realists like Rice and Powell who believed US interests could sometimes be delivered through a multilateralist approach that sustained a balance of power. Neither of these positions could be described as 'progressive' in the way that

- term would have been understood by a Labour party conference. The much-talked-about neo-conservative emphasis on 'democracy promotion' had marginal influence on policy in the lead-up to the Iraq War and, to the extent it overlapped with the offensive realist preference for unilateralism, it too could not be described as progressive.
4. The fact that the president made reference to resolutions (i.e. in the plural) was noted by UK Ambassador to the UN Sir Jeremy Greenstock (2009). The significance of this point is somewhat unclear, however. The president had to ad-lib at that very moment because an incorrect draft of the speech had been uploaded to the teleprompter.
 5. Wood (2002a) had earlier warned that 'the "Kosovo model" is no authority for a proposition that action would be legally justified if authority from the Security Council had been sought but without success'. See also Ricketts 2002.
 6. Goldsmith explains in his evidence to the Iraq Inquiry that he reached this conclusion after talking to Greenstock and the legal adviser to the American State Department, William Taft. There is an obvious question, which the Inquiry asked, as to why Greenstock chose only to speak to these individuals, who were clearly in favour of the revived authority argument. Goldsmith replies that he could not be seen to be talking to those who opposed military action, for instance the French, because that would suggest doubt in the British government's position and that in turn would give Saddam Hussein confidence that he could resist the coalition's strategy of coercive diplomacy. As the Inquiry members imply in their questioning, this is too convenient an excuse. Consultations with the French need not have leaked. Regardless, Goldsmith's answer demonstrates that he was more concerned with enabling the political objectives of his client than he was with gaining an objective perspective on the legal issues. Goldsmith also received early that month Jack Straw's detailed account of the negotiating history of Resolution 1441. Crucially, Straw had rejected the advice of Foreign Office lawyers in January (see Straw 2003a). He then set out the case for the 'revived authority' argument, which Goldsmith says he heard from Greenstock and Taft, when he wrote to the Attorney-General in early February (see Straw 2003b; see also Blair 2011, 69). For his part, Straw relied on his understanding that the US, Dutch and Australian legal advisers all argued that Resolution 1441 'provided legal sanction for military operations' (Straw 2003c). Having reached his conclusion, Goldsmith recruited Christopher Greenwood QC to help explain his case in public (McDonald 2003).
 7. On 7 March, 2003, 16 international lawyers signed a letter which argued that going to war without a second resolution explicitly authorising the use of force would be illegal. The letter was sent to Downing Street. See Campbell et al. (2003). Elizabeth Wilmshurst resigned her job as a deputy legal adviser in the FCO in April 2003 because she did not agree that the use of force against Iraq was lawful. See Wilmshurst (2003).
 8. Evidence that senior policy-makers considered invoking the idea of an 'unreasonable veto' exists in the note of the telephone conversation between the foreign secretary and the Attorney-General on 12 November 2002. The Attorney-General stated somewhat cryptically that '[i]t was not possible that the unreasonable exercise of the veto by a particular member of the Security Council would be ineffectual to prevent the Security Council from adopting such a resolution' (Brummell 2002). Blair continues to refer to Kosovo as a precedent for acting without a UN Security Council resolution; see Blair (2010b, 433; 2011, 71–72).
 9. Blair's claim that the undecided six considered a vote on the second resolution pointless overlooks the fact that such a vote was necessary to isolate France. Greenstock's statement that the undecided six were unwilling to do 'something unpopular', and Straw's (2010c, 90) statement that they were unwilling to 'stick their necks out' if France was to exercise its veto demonstrates that the UK had not made the case. Had the case for war been obvious the undecided six would have had no qualms about isolating France.
 10. Straw continued to pin blame on the French by noting that the French ambassador to the US, Jean-David Levitte had told the State Department and White House that they did not need a second resolution. He is reported as saying 'Don't do it, the second resolution, because you don't need it. Let's agree to disagree between gentlemen, *as we did on Kosovo*' (Straw 2010c, 35, emphasis added). Unfortunately for Straw this does little to support his argument because the

assumption behind the Kosovo action was that NATO's position reflected the majority opinion. By seeking a second resolution it became obvious that the case for war against Iraq was not as strong as the case for war on behalf of Kosovo. On the importance of gaining a majority see Blair 2011, 107.

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