Tony Blair’s ‘new doctrine of international community’ and the UK decision to invade Iraq

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Introduction

In seeking to explain why the UK supported the US led invasion of Iraq in 2003 one can identify two sets of general arguments. The first set sees UK support as the consequence of its policy on Iraq, which independently evolved beyond the discredited policy of containment and settled on military invasion as the lesser evil. From this perspective the UK, and Prime Minister Blair in particular, had in fact reached the conclusion that regime change was the only possible solution to the threat posed by Iraq before the Bush administration had made definite decision to use military force to overthrow Saddam Hussein.² If anything Blair was ahead of policy change in the White House and would have been pushing for a tougher approach had the Bush administration not been willing to move beyond containment. The second set of arguments sees UK support as a consequence not so much of its 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 became clear 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 and, some argue, imperialist view of the UK’s role reasserted itself.³

If the reasons why the UK supported the US led invasion of Iraq are disputed, what is clear is that the UK was determined to gain UN authorisation for such action. Of course the British government did go to war claiming that they had such authorisation and that the war was indeed legal. Yet on two occasions prior to reaching that conclusion – in the summer of 2002 and then in February 2003 – it had decided that additional resolutions were in fact needed to give the coalition explicit authorisation to invade Iraq. The failure to achieve this, firstly in Resolution 1441 of November 2002 and secondly in the non-resolution of March

¹ The author would like to thank the following for their comments on an earlier draft of this chapter: Christoph Bluth, Michael Denison, Dan Jones, Rachel Kerr, Maureen Ramsey, Rhiannon Vickers and Paul Williams. The opinions expressed, and any errors committed, are those of the author.
² See for example, Paul Williams, British Foreign Policy under New Labour, 1997-2004, forthcoming; also Christoph Bluth, ‘The British Road to war: Blair, Bush and the decision to invade Iraq’, International Affairs Vol.80 No.5 October 2004, pp.876-879.
³ See for example David Coates and Joel Krieger (with Rhiannon Vickers), Blair’s War, Polity, 2004; see also Tim Dunne in “‘When the shooting starts’: Atlanticism in British security strategy’, International Affairs, Vol.80 No.5, October 2004, pp.893-909.
2003, was a significant diplomatic defeat for the UK. It has since led to the accusation that, contrary to government advice, the UK fought an illegal war. What is explored in this chapter is why the UK felt it necessary to pursue this course of action and thus open itself up to such a charge. If it had independently reached the conclusion that the UN containment regime was failing or if it was willing to give the US its unqualified support in the face of significant public and parliamentary opposition, why did the UK initially insist that the new policy receive additional UN sanction? Why did it not assume, like many in the Bush administration, that the coalition had all the authority it needed either in previous resolutions or in an argument of self-defence?

The answer lies in the broader ideological differences of the two states. While some in the US, not least the Secretary of State Colin Powell, wished to use the UN as a means of building the kind of international coalition that he considered desirable, it was never considered that the US would not go to war without explicit authorisation from the UN. In the UK, however, powerful constituencies were unwilling to support the invasion without additional UN Security Council resolutions. Large sections of the British public, Members of Parliament, cabinet ministers, parts of the Foreign Office and even the military could not support a war that would be classed as illegal. While many of these ultimately accepted the Attorney General’s opinion of March 2003, which stated that the coalition had a mandate based on the revived authority of previous Security Council resolutions, it was clear that prior to that date many considered this argument to be insufficient. Blair may have shared the neo-conservative view of the Iraqi threat, but he did not share their political capacity to ignore the UN when finding new ways of addressing it.

That the Prime Minister certainly felt the political (and arguably an intellectual) need to seek explicit UN authorisation for military action can be explained by a view of global politics which he himself had done so much to cultivate. This view sees international relations in terms of an international society where states have rights and responsibilities that were articulated by international law. It is different to the Realist view of international relations as an anarchic power struggle where states merely have competing interests. To be consistent with this view and to carry significant parts of British opinion with him Blair needed a UN mandate for military action that would achieve his aim of regime change in Iraq.

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4 Ewen MacAskill and Julian Borger, ‘Iraq war was illegal and breached the UN Charter says Annan’, *The Guardian* 16 September, 2004.
5 The argument that the US had ‘the authority under existing UN resolutions to take the necessary steps, including military steps, to protect our vital interests in the Gulf’ was expressed to President Clinton in a letter signed by, among others, Donald Rumsfeld, Paul Wolfowitz and John Bolton dated 26 January 1998. <http://www.newamericancentury.org/iraqclintonletter.htm>.
6 The distinction between international ‘society’ and international ‘community’, which is made in some social sciences, is not considered relevant to this particular analysis. For a discussion on how this
Only then could he convincingly argue that Operation Iraqi Freedom was the action of a responsible great power which deserved his support.

But if the British emphasis on ‘international community’ can explain why Blair felt the need to get additional UN resolutions, how can it explain his decision to go to war having failed to secure a resolution that explicitly authorised the use of force? The answer to this question lies in understanding both the evolution of US-UK policy on Iraq and Blair’s own particular understanding, some might say misunderstanding, of the concept of international community. Blair first gave explicit reference to a ‘doctrine of international community’ in his speech to the Economic Club of Chicago on 22nd April, 1999. At that time NATO was bombing Yugoslavia in what Blair described as ‘a just war, based not on any territorial ambitions but on values.’ That Blair could argue this when NATO’s action against Yugoslavia had not received explicit authorisation from the UN Security Council revealed that at least for Blair the ‘international community’ was not synonymous with great power unanimity at the Security Council. More specifically, if Security Council action was blocked by the unreasonable behaviour of one permanent member (in 1999 it was Russia) and justification for military action was implicit in previous Security Council resolutions, member states who were prepared to use force could claim to be acting on behalf of the international community. That was the lesson of Kosovo and while the legal argument on Iraq revolved around the terms of the 1991 ceasefire and not humanitarian intervention Blair would have been able to recall his 1999 arguments for bypassing the Security Council when giving the order to use force in 2003. Indeed, by arguing that this time the French were acting unreasonably when they threatened to veto the proposed resolution of March 2003 and by relying on the Attorney General’s advice that the invasion had legal authority in previous resolutions, that is exactly what Blair did. Like the military action against Yugoslavia, the invasion of Iraq would be done in the name of the international community.

This chapter proceeds in six sections. The first two outline the importance of the concept of international community to Tony Blair’s world view both in the pre- and post-9/11 periods. The second section highlights how these ideas sat uncomfortably alongside the opinions of the Bush administration. Bush’s foreign policy was heavily influenced by individuals, sometimes referred to as the ‘neo-cons’, who were determined not to be restrained by international law as they set out to defend American supremacy against great power challenge and to protect the American homeland against terrorist attack. The third section examines in more detail the arguments of why Tony Blair supported Bush’s policy of

distinction is affected by the Iraq war see Barry Buzan and Ana Gonzalez-Palaez, “‘International community’ after Iraq”, International Affairs, vol.81 no.1 (2005), pp.31-52.

removing Saddam Hussein and his efforts to persuade the American President to seek a further UN resolution that would explicitly authorise the use of force. What is clear is that if Blair was himself convinced of the need for regime change and if it was his intention to use the issue of WMDs as the legal cover for such action he never clearly stated that to the British people. The confused public message stemmed in part from the difficulty of the task he had set himself, which was on the one hand to commit to a policy of regime change by military force if necessary and on the other to secure legal authority for an invasion based on Iraq’s failure to disarm. The fourth and fifth sections focus on the manner in which Blair advanced toward, and then retreated, from the aim of securing explicit UN authorisation for the invasion. While the government claimed from February 2003 that such a resolution was not needed to go to war – it was they insisted merely a political exercise to rally support for the war – the impression was created that Blair was now relying on a legal position he had previously accepted as inadequate. In this respect Blair did much damage to the idea of an international community based on the rule of law. The normative implication of his action is that international law is not a means of articulating a consensus on what is held to be in the universal interest. Rather it is a rhetorical device that offers post hoc legitimation to the particular interpretations and interests of the powerful.

*Blair’s world view pre-911: the ‘new 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, where selfish national interests and power politics are often thought to dominate. Yet the idea of rights and responsibilities did find their way into the discourse of British foreign policy after Labour was elected to government in 1997. During the Kosovo campaign Blair gave added definition to the so-called ‘ethical dimension’ of British foreign policy. The ‘new doctrine of international community’ was defined in his speech in Chicago on 22nd April 1999.

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8 On 17 February 2003, the UK Foreign Secretary stated that ‘in terms of mandate resolution 1441 gives us the authority we need, but in terms of political desirability we have always said that we would prefer a second resolution’. S. Castle, ‘France set to block second UN resolution against Iraq’, *The Independent*, 18 February 2003.

This speech was delivered at the height of NATO’s bombing campaign against the Federal Republic of Yugoslavia. His tough stance against Milosevic had been informed by the period of soul-searching, which had taken place across the humanitarian community following massacres in Srebrenica and Rwanda. According to John Kampfner, Blair had read the Secretary-General’s 1999 report on Srebrenica. It had denounced the view held by UN peacekeeping forces, which saw the violence in the Balkans as a civil war between morally equivalent combatants.  

Blair was thus predisposed to Secretary of State, Madeleine Albright’s view that NATO should act to stop further atrocities in the Balkans even if the Security Council could not agree that military action was appropriate. 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 come up with the most appropriate response to humanitarian crises in the future.

For Blair then NATO’s cause in Kosovo was just. ‘We cannot let the evil of ethnic cleansing stand. We must not rest until it is reversed’, he told his Chicago audience. Yet the lack of authorisation from a properly constituted public authority, a key requirement of the just war tradition, was never really addressed. One might argue that as a regional alliance NATO was properly constituted to deal with a European crisis. This, however, ignores two things: firstly the action was in fact ‘out-of area’ for NATO; and secondly, NATO cannot simply opt out of the legal framework provided by the UN Charter and even if it could such regional distinctions would have prevented Blair claiming universal legitimacy with the label ‘international community’. As it was Blair’s rhetoric did not imply action on behalf of a European, transatlantic or any other regional community. Rather it claimed universal legitimacy despite the fact that Russia, China and India amongst others opposed the action. It was clear then that for Blair ‘the international community’ was not synonymous with the United Nations Security Council. States would, or at least should respond to the increased interdependence of globalisation by defining their particular interests in terms of the wider international interest, but there was little indication of how that idea of the common good would be formulated or who would speak for it.

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10 Kampfner, Blair’s Wars, p.37. For the report see United Nations (1999), Report of the Secretary-General pursuant to General-Assembly Resolution 53/35. The Fall of Srebrenica. Found at: <http://www.un.org/peace/srebrenica.pdf>. Kampfner gives the impression Blair had read the report before the action in Kosovo. If this is the case he would have had access to it before its general distribution date of 15 November, 1999.


12 Andrew Linklater touches on this problem when describing Blair’s five tests for a legitimate intervention, as set out in the Chicago speech. Blair stated that states should ask first, are we sure of our case? Second, have we exhausted all other options? Third, is the proposed course of action workable? Fourth, are we committed to the region for the long term? Fifth, are national interests involved? A sixth test, Linklater suggested, might be are others sure of our case, our competence and our motives?
The legal argument offered at the time suggests NATO had gained ‘implicit authorization’ from the UN Security Council to use force against Milosevic. Previous resolutions had condemned the excessive use of force by the Serbian authorities and the Security Council had, acting under Chapter VII of the Charter, called upon all parties to end the violence. Resolution 1199 of the 23 September 1998, for instance, warned of an impending humanitarian catastrophe and decided that ‘further action and additional measures to maintain and restore peace and stability in the region’ would be taken if the concrete measure demanded in Resolution 1160 the previous March were not implemented. For the British, these resolutions read alongside another Chapter VII resolution, which was passed in October 1998, were sufficient to justify the use of force the following March. The Germans, the Dutch, the Canadians and the Americans all supported this argument. Even the French, who would later reject similar reasoning when it was applied to the Iraq war, supported the British position. They argued in 1999 that military action was a response ‘to Belgrade’s violation of its international obligations under the resolutions which the Security Council had adopted under Chapter VII of the UN Charter’.

Such arguments were of course less than ideal. Indeed the Select Foreign Affairs Committee would ultimately conclude that NATO’s actions were of ‘dubious legality in the current state of international law’. For more radical critics NATO’s arguments were evidence only of the powerful states’ selective regard for international law. Such critics doubted the existence of a true international community and interpreted NATO’s action through the lens of ‘liberal imperialism’. For Blair, however, the existence of such a community beyond the state, and indeed beyond the United Nations, was self-evident and the accusations of imperialism were misplaced. His concern was not whether he had the right to articulate universal values but whether states would incorporate those self-evident values into their foreign policy. In a globalising world foreign policy had to be ‘guided by a more subtle blend of mutual and self-interest and moral purpose in defending the values we cherish.’ He argued that ‘in the end 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, then, the main problem with international society was not how and by whom it was defined. Rather the main problem was getting states, in particular the United States, to commit to what he said it represented. There was, however, a hint that he recognised the deeper tensions within his new doctrine of international community. The Russian threat to veto NATO action against Yugoslavia may very well have been unreasonable given a consensus in the Security Council supporting the use of force - a draft Russian resolution condemning the air strikes was defeated 12 votes to 3 - but to proclaim a unilateral right of intervention based on particular interpretations of previous resolutions was far from ideal and could set a dangerous precedent. Blair acknowledged, therefore, that ‘a reconsideration of the role, workings and decision-making process of the UN, and in particular the UN Security Council’, was necessary.¹⁹

This acknowledgement might have reassured some that the use of force without explicit authorisation from the UN was exceptional and justified only in the context of a massive humanitarian emergency. Indeed, Blair’s recognition that the Kosovo intervention had highlighted the need to reform the UN Security Council concurred with a definition of good international citizenship put forward by Andrew Linklater. He suggests that ‘one of the qualities of the good international citizen is the willingness to challenge the legitimacy of the veto by irresponsible powers that are prepared to block international action to prevent human rights violations.’ Rather than pose this challenge by ignoring the UN, however, the good international citizen should ‘offer an explanation for failing to comply with existing arrangements, and set in motion the search for new decision-making processes that will defend international humanitarian law.’²⁰

Whether Blair’s recognition of the need for UN reform helped legitimise NATO’s action in Kosovo is debatable. What is clear, however, is that the role played by the UN in his new doctrine of international community was problematic. On the one hand it was the only organisation of universal reach that could articulate the values of an international society. On the other hand the Security Council had shown itself to act unreasonably in the face of egregious human rights abuses. By recognising the intellectual inconsistency and political dangers of ignoring the UN, and by stating clearly that the UN Security Council needed reform, however, one might argue that Blair’s argument on Kosovo was a brave attempt to square this circle. As we shall see he made a similar attempt to reconcile the invasion of Iraq with the doctrine of international community, but this time the Security Council was far from

being unreasonable. Rather it was Blair’s specific argument on Iraq that was unreasonable. The threat posed by Iraq did not justify a repeat of his argument that under exceptional circumstances states could use force without Security Council authorisation and still claim to be acting on behalf of the international community.

*Blair’s response to 9-11 and the continuing relevance of international community*

The ideas of the principle foreign policymakers in the Bush Jnr. administration were clearly at odds with any vision of an international community. Condoleezza Rice had criticised President Clinton’s apparent commitment to international institutions, humanitarian intervention and nation-building. The idea that America’s national interest was advanced through the use of ‘soft power’ and the nurturing of international society was dismissed as naïve. The discourse of globalisation in which Blair and Clinton had located their worldview was seen as a distraction from the perennial challenge of great power politics. The search for common international interests was portrayed as utopian by Bush’s appointees who were more concerned about maintaining America’s dominant position in an international system rather than its duties to an international society. America’s support of universal values such as ‘freedom’ remained unchanged, but Bush’s foreign policy would be hard-edged and would concentrate on ‘shaping a balance of power that favours freedom’. America would remain engaged in the world, but this was a distinctly realist internationalism based on a much narrower conception of the national interest than the liberal internationalism of the Clinton administration.

It seems Blair’s early impression of the Bush administration mistook this change in US foreign policy for neo-isolationism. What worried Blair, according to John Kampfner, was not an ambitious unilateralism based on America’s military power rather it was ‘the fear of a stay-at-home President, withdrawing from peacekeeping and other international obligations’. At a meeting held to discuss strategy for the new administration, Blair apparently stated that Britain had ‘to turn these people into internationalists’. The thought that ‘these people’ were already internationalists, but not the kind that could support Blair’s broad vision of international community had not, it seems, informed the initial perception.

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24 As Daalder and Lindsay put it, the Bush administration’s foreign policy descended more from Senator Henry Cabot Lodge than from Senator William Borah. Both opposed President Wilson’s
unilateralism which followed – the withdrawal from the Kyoto regime on environmental change, the policy of opposing the new International Criminal Court and the tariffs on imported steel – was clearly inconsistent with the idea of nations working together to address common problems.

On Iraq, however, there was little indication that the new administration was anxious to radically change policy. National Security Adviser, Condoleezza Rice had stated that it would be an objective ‘to deal decisively with the threat of rogue regimes and hostile powers’, but it was last in a list of priorities and as far as Iraq was concerned she seemed happy that it was being contained or would at least be deterred from using WMD. If it did acquire such a capability, she argued, those weapons would be ‘unusable because any attempt to use them will bring national obliteration’.25 Indeed Secretary of State Colin Powell explicitly stated in March 2001 that because of the containment regime Saddam Hussein was not a ‘full-fledged threat’.26 Nonetheless there were concerns that the policy needed revising. Two days before the 9-11 attacks Bush discussed with senior advisers about how to apply ‘smart sanctions’ against Saddam’s regime. If containment of Iraq was an issue prior to 9-11 the US administration it seems did not conclude that it necessarily led to regime-change.

For some significant voices in the administration the terrorist attacks of 9-11 changed these priorities. Secretary of Defense, Donald Rumsfeld and his deputy Paul Wolfowitz, immediately sought to link the attacks to Saddam Hussein.27 Despite a lack of intelligence proving such a link they proposed an invasion of Iraq as a direct response to the terrorist attacks. Even though President Bush decided that targeting Al Qaeda and the Taliban in Afghanistan was a more appropriate response, he started planning for the invasion of Iraq on November 21, 2001, just 72 days after the 9/11 attacks.28 Given the lack of evidence linking Iraq to Al Qaeda it is difficult to avoid the conclusion that ‘dealing decisively with the threat of rogue regimes’ had always meant regime change and, if necessary a military invasion.29

commitment to the League of Nation, but where the latter did so because of a belief that the US remained secure in isolation, the former sought to maintain the freedom to act unilaterally in the international system. Ivo Daalder and James M. Lindsay, America Unbound. The Bush Revolution in Foreign Policy, Brookings Institution Press, 2003, pp.5-16. President Bush’s apparent interest in Theodore Roosevelt should also have indicated this. See Bob Woodward, Plan of Attack, p.52.

What is clear is that the President saw in the post 9-11 / post-Afghanistan period an increased need, as well as the political opportunity to implement such a policy.

Blair also saw opportunities in the post 9-11 period. Yet his aim was to revive the doctrine of international community, which he had introduced at the height of the Kosovo crisis. Blair now knew he would not have to worry about America retreating into isolationism. As the attack on Pearl Harbor marked the beginning of a sixty year commitment to internationalism, so the terrorist attacks of 9-11 removed any doubts about a resurgent isolationism. He now sought to make sure that international engagement responded to his ideals of international community.

Blair 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, perhaps 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 now 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’.

The discourse of globalisation, however, was less in tune with the perceptions of the new Bush administration. In fact it was positively Clintonesque and the new administration had committed itself to policies that were ‘anything-but-Clinton’. ‘Today’ Blair argued, ‘conflicts rarely stay within national boundaries’ and the only proper response was a transformed sense of political community. He repeated the themes of his Chicago Speech.

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.

Justice he made clear was not merely a question of punishing those guilty for the attacks on 9-11. It had a much broader significance. Justice meant bringing those same values of democracy and freedom to people round the world. And I mean: freedom, not only in the narrow sense of personal liberty but in the broader sense of each individual having the economic and social freedom to develop their potential to the full. That is what community means, founded on the equal worth of all. The starving, the wretched, the dispossessed, the ignorant, liberty and independence, ‘but she goes not abroad, in search of monsters to destroy. She is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own.’

31 Riddell, Hug them Close, p.129.
those living in want and squalor from the deserts of Northern Africa to the slums of Gaza, to the mountain ranges of Afghanistan: they too are our cause.

To the Afghan people he made this commitment.

The conflict will not be the end. We will not walk away, as the outside world has done so many times before.\textsuperscript{32}

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. Implicit in his rhetoric, moreover, was an understanding that the US could share this vision and an appeal to the Bush administration to work with him toward achieving it.

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.\textsuperscript{33}

The speech reassured the Labour Party, certain sections of which had been suspicious of US foreign policy and at that time were particularly nervous about how a wounded America may respond. American power, at least according to their leader, would work with the international community in defeating terrorism. It would be, he assured them, a force for progressive change in international politics.

\textsuperscript{32} Unfortunately the British government was left with the impression that the US did walk away from Afghanistan. In fact John Kampfner writes that Blair chose not to pressure Bush on the rebuilding of Afghanistan. By the New Year, he writes, 'American minds were already elsewhere. Talk in Washington was of the start of 'phase two' in the war on terror…Afghanistan was now nothing more than encumbrance to the US. This would become a familiar pattern, with Blair entreated Bush to engage in a process of nation-building that was alien to him. It mattered little to the American President. He had moved on. It mattered a great deal to the British Prime Minister. But he would have to settle for much less.' Kampfner, Blair's War’s pp.146-151.

\textsuperscript{33} Tony Blair's speech to the Labour Party Conference, 2 October, 2001, found at: <http://www.guardian.co.uk/Archive/>. For an indication of the different world views compare Blair's statement on Rwanda, with Bush's answer to the question of what he would do if another Rwanda occurred. 'We should not', he stated, 'send our troops to stop ethnic cleansing and genocide in nations outside our strategic interests….I don’t like genocide and I don’t like ethnic cleansing, but the president must set clear parameters as to where troops ought to be used and when they ought to be used.' George W. Bush, speaking on ABC's This Week January 23, 2000. Quoted in Daalder and Lindsay, America Unbound, p.37.
Unlike the Chicago speech, Blair made no mention of the United Nations in his Brighton speech. Indeed the role of the Security Council in responding to the 9-11 attacks was something of a non-issue. Shortly after the attacks the Security Council recognised the US right to self-defence and passed a resolution that in the eyes of some opened the door for unlimited military action in the name of defeating terrorism. The international support for the war against the Taliban and Al Qaeda bases in Afghanistan, however, was such that this kind of warning was not politically significant. The question of regime change in Iraq, however, was a different matter. While the Prime Minister did not link Iraq to the 9-11 attacks he did make it clear as early as November 12, 2001 that ‘the time has come’ for additional UN Security Council resolutions on Iraq.

Blair had in fact committed himself to the policy of regime change in Iraq in 1998. In October of that year the US Congress passed the Iraq Liberation act which sought to bring about regime change by financing several Iraqi opposition groups. The following December Blair told the House of Commons that ‘a broad objective of our policy is to remove Saddam Hussein and to do all that we can to achieve that.’ Yet that same month the US and the UK had chosen a rather more limited objective for Operation Desert Fox. The four-day bombing campaign was designed only ‘to degrade the ability of Saddam Hussein to build and use weapons of mass destruction, including command and control and delivery systems, and to diminish the threat that Saddam Hussein posed to his neighbours by weakening his military capacity’. If Blair was pushing for regime change at this time he would, like the neo-conservatives in Washington, have been disappointed with the Clinton administration’s reluctance to go beyond containment.

For other authors UK policy did not become one of regime change until the policy of containment typified by Desert Fox had been undermined. Doubts about that policy did not

35 On the role Blair played in helping to forge that consensus see Kampfner, pp.126-128.
36 Speech by the Prime Minister at the Lord Mayor's Banquet - 12 November 2001, http://www.number-10.gov.uk/output/Page1661.asp. In this speech, and in contrast to President Bush’s ‘axis of evil’ speech the following January, Blair clearly distinguishes Iraq from Syria, Iran and ‘and other nations in the same position’.
37 Williams, British Foreign Policy forthcoming.
38 Hansard Commons, 17 December, 1998, col.1103, cited by Williams, British Foreign Policy forthcoming.
39 Ibid, col.1097
take long to surface after Desert Fox. For instance Bluth cites the May 1999 memorandum from the Foreign and Defence Secretaries to the Cabinet Ministerial Committee on Defence and Overseas Policy, which according to the Butler Report stressed doubts about the effectiveness of the containment regime given the fact that there were no longer weapons inspectors inside the country.40 This unsatisfactory situation was exacerbated by the humanitarian condition of the Iraqi people under the sanctions regime. While the UK government argued that it was the Iraqi government that was responsible for the human suffering the memorandum made clear that the policy was difficult to justify to the public.41 For Bluth, regime change emerged within UK policy circles because of the absence of a credible policy alternative. While the potential costs were clear, or at least should have been, the costs of not going beyond containment were deemed to be greater.

If Blair had indeed reached this position before the change of administration in the US one would expect to see not only frustration with the Clinton administration, one would also expect to see the issue appear as a priority in his relations with the new Bush administration. To support this view Blair himself notes that he had raised the issue of WMD with President Bush at their first meeting in Camp David in February 2001.42 Yet Blair also claims that the terrorist attack of September 11 was as a turning point in his thinking on Iraq policy. In his testimony to the Butler inquiry on British intelligence, cited by both Bluth and Williams, Blair echoed certain aspects of US thinking on the nexus between Al-Qaeda and rogue states with WMD. He noted that

There was a lot to make me concerned about this and actually at the first meeting I had with George Bush in February 2001 I raised it with him but …after September 11th it took on a completely different aspect …what changed with September 11 was that I thought then you have to change your mindset … you have to go out and get after the different aspects of this threat … you have to deal this because otherwise the threat will grow … you have to take a stand, you have to say “Right we are not going to allow the development of WMD in breach of the will of the international community.”43

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42 Tony Blair speech to his Sedgefield constituency available at: <http://politics.guardian.co.uk/iraq/story/0,12956,1162991,00.html>. The Butler Report also reinforces this view by referring four times to the general sense of a "creeping tide" of proliferation. Para. 257, 259, 283, 425.
43 The Butler Report, para.257.
This clearly echoed the thinking of those in the Bush administration, notably Vice-President Dick Cheney. Yet according to the argument put by Williams, Bluth and Blair himself the Prime Minister was already convinced of the need for regime change before he met Cheney in London on March 11, 2002 and Bush in Texas the following month. Indeed a March 2002 document giving interdepartmental advice to Ministers noted that 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’. The problem with this interpretation of Blair’s thinking and the evolution of UK policy is that it has difficulty answering two sets of questions. Firstly, if Blair had been so convinced of the threat posed by Iraq before and immediately after 9-11 why did he, prior to Bush’s decision to start planning for the invasion of Iraq, help persuade the President to focus on Afghanistan as a response to 9-11? Why, did his counsel not support that of Paul Wolfowitz, who, as noted above, sought to tie the 9-11 attacks to Saddam Hussein’s regime? And if the threat of rogue states with weapons of mass destruction was the most obvious lesson from the 9-11 attacks why did Blair fail to put the spotlight on Iraq? Why in fact did he purposefully seek to deflect attention from it?

Of the two sets of questions these are the least difficult to answer. In response one could argue that Blair was merely picking his fights. He was anxious that the task of regime change be completed in Afghanistan before turning to Iraq, which had been elevated in his priorities by the events of 9-11. Indeed Blair only began to answer questions on Iraq with reference to the second phase to the war on terrorism when it became clear that coalition forces would prevail in Afghanistan. Moreover he did call for a new UN resolution on Iraq to provide for the arms inspectors to return as early as 12 November, 2001, nine days before the President started planning for the invasion. Such evidence would suggest that Blair was indeed

44 That Cheney was if anything preaching to the converted is implied by Seldon, Blair, pp.570-2.
45 The Butler report, para. 260.
47 British intelligence quickly established that there was no link between Saddam Hussein and the 9-11 attacks. See Kampfner, Blair’s Wars, pp.156-8. It seems Blair’s initial reaction was influenced by this view. For instance at a press conference on the 21st September Blair was asked: ‘Where do you see Iraq in all this? Are they in or are they out? There seemed to be some question of the Foreign Minister yesterday saying that it was nothing to do with them, and that previously there was support expressed ....’ Interrupting the questioner Blair stated: ‘We have made it clear all the way throughout that we proceed on the basis of evidence. We have identified who the prime suspect is.’ Prime Minister's briefing to the press en route to New York, 21st September 2001, see also Prime Minister Tony Blair's interview with Al-Jazeera - 9 October 2001 available at: http://www.number-10.gov.uk/
48 See for example Edited transcript of an interview given by the Prime Minister Tony Blair for Larry King, CNN - 6 November 2001 at http://www.number-10.gov.uk/output/Page1643.asp
49 Speech by the Prime Minister at the Lord Mayor's Banquet - 12 November 2001, http://www.number-10.gov.uk/output/Page1661.asp.
concerned about Iraq and that this concern evolved separately to what he knew about the American planning process.

The second set of questions, however, are more difficult to answer. These stem from the view that Blair should have been more critical of the intelligence on the Iraqi threat and should have restrained rather than encouraged the US to pursue an imprudent policy of regime change. Despite the fact that Blair claimed that he acted on the best intelligence available it has been argued that Blair in fact selected the intelligence to suit a political agenda that would be advanced by simply supporting America no matter what its policy was. As UN weapons inspector Hans Blix put it, Blair ‘should have been more critical of intelligence’. That capacity was lost because Blair, it is claimed, invented a ‘virtual reality’ to suit his political agenda. The fact that British and American intelligence on the threat posed by Iraq’s weapons of mass destruction has largely been proven wrong has contributed to the appeal of such arguments.

What alternative agenda might Blair have had? Some have argued that his decision to support the American war was driven by domestic politics. The Prime Minister took pride in the way he had reformed the Labour Party, which was once considered unelectable because of a radical foreign policy agenda that opposed President Reagan’s defence build-up and included unilateral nuclear disarmament. If Labour was to replace the Conservatives as ‘the natural party of government’, so the argument goes, then Blair had to demonstrate that he could work with a Republican administration in the US.

This point was clearly on Blair’s mind even before the November 2000 Presidential election and it had been reinforced by President Clinton’s advice that Blair not underestimate George Bush and cultivate a close relationship with him. He did not, it seems, wish to repeat the mistake that the Conservatives had made in 1992, which was to appear to be too close to the Republicans at the cost of relations with President Clinton. Thus contact with

50 Quoted in Seldon, *Blair*, p.583. Lord Hutton put it rather more delicately. While he cleared the government of knowingly exaggerating intelligence he did note that the Prime Minister’s request for a document in September 2002 (discussed below) ‘consistent with the available intelligence’ but ‘as strong as possible in relations to the threat’ may have ‘subconsciously influenced’ those drafting it to make its wording ‘somewhat stronger than it would have been had it been contained in a normal JIC assessment’. See Freedman, ‘War in Iraq’, p.27. Hutton reached this conclusion despite the epistemological problem of proving subconscious influence and despite the fact that Blair’s political advisers were directly involved in the drafting of the government dossier on intelligence. The circumstances surrounding the Hutton Report are discussed below. The Butler Report was even more guarded. It noted: ‘The Government wanted a document which it could draw on in its advocacy of its policy. The JIC sought to offer a dispassionate assessment of intelligence and other material on Iraqi nuclear, biological, chemical and ballistic missile programmes. The JIC, with commendable motives, took responsibility for the dossier in order that its content should properly reflect the judgements of the intelligence community. They did their utmost to ensure that this standard was met. But this will have put strain on them in seeking to maintain their normal standards of neutral and objective assessment’ (para.79, repeated in 463).


52 Seldon, *Blair*, pp.606-8, 611; Riddell, *Hug them Close*, p.2.
Republican hopefuls had been made as early as February 1998 when Blair’s adviser Sir Christopher Meyer travelled to Texas to see George W. Bush, who at that time was campaigning for re-election as Governor.\textsuperscript{53} Yet given the unpopularity of Blair’s decision to support Bush’s war and given that the Prime Minister was almost forced to resign his own position it is unlikely that electoral considerations played a major part in Blair’s thinking.

It has also been suggested that UK policy during this period had been recaptured by ‘Atlanticists’ who believed that the so-called ‘special relationship’ with the US gave Britain increased influence on the world stage. As Coates and Krieger note this view of Britain’s identity, role and interests was a strong feature in Labour Party traditions. They demonstrate that the anti-Americanism of what was dismissed as old Labour by Blairites was in fact preceded by a pro-American, Atlanticist view, which had been typified by the post-War Foreign Minister Ernest Bevin.\textsuperscript{54} It was this calculation of British interests by Blair that blinded him to the weakness of the case for regime change and locked him into a conflict that, for Coates and Krieger at least, was the wrong response to the security threats of the day.

There is evidence that backs this view of why Blair supported the American led invasion of Iraq. For instance Michael Quinlan writes that

\begin{quote}
[t]here is more and more ground for suspecting that for Mr. Blair, facing extremely difficult decisions, the real bottom line was not this or that justification for action against Saddam but the combination of three judgements: first, that Mr Bush was intent on war; second, that nothing Britain could do would ultimately deflect him; third, that British national interest required that in the end we go along. Put another way, the question may have been not so much whether the arguments were good enough to warrant the huge step of starting a war as whether they were bad enough to warrant the huge step of breaking with the United States.\textsuperscript{55}
\end{quote}

Supporting this view is the evidence presented by Peter Stothard in his book \textit{30 Days}. He reports the existence of a list of points drawn up by the Prime Minister in September 2002, ‘to which he and his aides would regularly return’. As well as noting the threat posed by Saddam Hussein, the list contained the following four points:

- The people of the United States, still angered by the 11 September attacks, still sensing unfinished business from the first Gulf War twelve years before, would support a war on Iraq.
- Gulf War 2 – President George W. Bush v.s. Saddam Hussein – would happen whatever anyone else said or did.
- The people of Britain, continental Europe and most of the rest of the world would not even begin to support a war unless they had a say through the United Nations.

\textsuperscript{53} Riddell, \textit{Hug them Close}, pp.87-88.
\textsuperscript{55} Quoted in Dunne, ‘When the shooting starts’, pp.907-908.
It would be more damaging to long term world peace and security if the Americans alone defeated Saddam Hussein than if they had international support to do so.\textsuperscript{56}

Coates and Krieger, who cite the list in full, find this remarkable because it demonstrates that Blair ‘was resigned to the inevitability of war’ as early as September 2002.\textsuperscript{57} Further evidence to this effect is provided by Peter Riddell who cites Blair’s adviser Sir Christopher Meyer. Like Quinlan he suggests that of all the justifications offered for UK policy, the only significant question ‘was how to handle America.’\textsuperscript{58}

What is equally remarkable about the four points listed above is the assumption that the policy of regime change was an appropriate response to the threat posed by Iraq. As noted above, Blair had reached this view prior to President Bush’s decision to launch a military invasion. The fact that war was now a very real possibility did not cause Blair to reflect on the advisability of that judgement. Even if he thought the war was inevitable, therefore, Blair supported it not solely because he wanted to be alongside the Americans as they went into battle but because he continued to believe it was the right thing to do. Still, the critics of the Prime Minister’s decision argue that this reflects a remarkable lack of foresight into what would replace the regime. As Lawrence Freedman puts it:

Far more effort was going in to making the case for regime change in Iraq than assessing its consequences. The impact on the country would go well beyond confirmed disarmament and achieving compliance with the UN. Yet while worse-case analysis was rampant on the subject of Iraq, WMD and terrorism, best-case analysis was equally dominant as to what would follow Saddam. A picture was painted of the inevitable triumph of democracy and prosperity.\textsuperscript{59}

Such concerns should have made those who saw regime change as the only option reflect on that conclusion. At the very least it required greater attention to the planning for a post-war Iraq. The British realisation that a UN mandate would at least help in the reconstruction effort is more favourable in this regard than the apparent lack of post-war considerations in the United States.

To conclude this section, it should be clear that Blair supported the American plan for war not because he prioritised UK policy towards America over an independent policy on Iraq. Rather he supported the American plan because it matched his own conclusion that regime change was appropriate. He would seek to use whatever influence that gave him in the White House to advance British interests. Expectations that Blair should have exercised better

\textsuperscript{57} Coates and Krieger, \textit{Blair’s War}, p.96.
\textsuperscript{58} Quoted by Riddell, \textit{Hug Them Close}, p.195. See also Wintour and Kettle’s portrayal of Meyer’s advice in ‘Brought to the brink of defeat’.
\textsuperscript{59} Freedman, ‘War in Iraq’, p.34.
judgement in formulating his Iraq policy are justified, but it is not accurate to argue that Blair’s decision was a product only of his policy towards the US. Besides, the reality is that the UK achieved very little influence in return for its support of the White House. The British media often highlighted a number of international issues, for example the detainees at Guantanamo Bay and the so-called ‘roadmap’ to peace between Israel and Palestine, where Blair might have expected a more supportive American stance given the UK’s position on Iraq. The Bush administration, however, was not as forthcoming as the UK would have hoped. So Blair was right not to back the Americans without a reason. Those who thought unconditional support gave Britain additional influence were mistaken.

The planning for the war itself proves this point. As Tim Dunne notes, ‘in return for loyalty to the United States, Britain could influence only the timing not the content, of decisions.’ The ultimate cost of this for Dunne was the power of Blair’s own doctrine of international community. Blair and his entourage never faced up to the ‘fundamental incompatibility between Atlanticism and internationalism’, and instead chose to hold ‘on to the myth that US power could be harnessed for the good of international society as a whole’. While there is much to agree with in Dunne’s analysis it does leave out the means by which Blair ultimately sought to justify the invasion in terms of international law and great power responsibility. As the following section shows, he did this by recalling the idea of an ‘unreasonable veto’ which had been used to reconcile the intervention in Kosovo with his doctrine of international community. That such arguments had been welcomed by liberal internationalists in the past might suggest that Blair was not necessarily acting contrary to their understanding of international community when he invaded Iraq in 2003.

The UN route.

The above analysis suggests that Blair had formulated a policy of regime change independently of Washington, that he was aware the United States was itself committed to such a policy, that he knew it stood a greater chance of success if it had broad international backing and that he considered unilateral American action to be a threat to the idea of an international community. Yet Blair also knew that regime change had no basis in international law. This was made clear in the interdepartmental advice given to ministers in March 2002. That document noted, in the words of the Butler Report, that ‘offensive military action against Iraq could only be justified if Iraq were held to be in breach of United Nations
Security Council Resolution 687, which imposed obligations on Iraq in regard to the elimination of its prohibited weapons programmes.\textsuperscript{62}

This had been the legal argument used to justify the US-UK military action against Iraq in December 1998. The UK had then argued that resolutions 1154 (2 March 1998) and especially 1205 (5 November 1998) ‘implicitly revived the authorisation to use force given in Resolution 678 (1990).’\textsuperscript{63} Yet even then this argument did not command much support. In fact Japan was the only Security Council member to speak in support of the US and UK. Six others spoke out against the UK stance. China called it ‘groundless’ and Russia argued that the authority to use this kind of force simply did not exist in any of the Security Council resolutions relating to Iraq.\textsuperscript{64} If the arguments based on Resolution 678 could not legitimise the limited airstrikes in 1998 then it was highly unlikely that the Security Council would accept regime change on that basis. If Blair was to claim that UK military action had the backing of the international community then he would not only have to make a case for it based simply on Saddam’s failure to disarm, he would also need a new Security Council resolution clearly stating that.

At this point the public and private strategies begin to diverge. Blair in effect chose to pursue in public the only legal strategy that was available to him (Saddam’s failure to disarm) knowing that in private there was an additional objective (the removal of Saddam’s regime). As he himself put it in July 2003:

\textit{The truth is that to take action we had to have the proper legal basis and that was through the weapons of mass destruction issue and the non-compliance with UN inspectors. What I have always said is that the relevance of the nature of the regime is that a regime that […] was otherwise benign but had weapons of mass destruction you might take a different attitude to than a regime that was so savage and repressive and had weapons of mass destruction. I accept entirely the legal basis for action was through weapons of mass destruction.}\textsuperscript{65}

The two strategies were not necessarily inconsistent. As the document \textit{Iraq: Military Campaign Objectives} ultimately put it:

\textit{The obstacle to Iraq’s compliance with its disarmament obligations under relevant UNSCRs is the current regime, supported by the security forces under its control. The British government has therefore concluded that military action is necessary to enforce compliance and that it is therefore necessary that the current Iraqi regime be removed from power.}\textsuperscript{66}

\textsuperscript{62} The Butler Report, para.266.
\textsuperscript{64} S/PV. 2955, 16 Dec. 1998, p.5.
\textsuperscript{65} Parliamentary Liaison Committee 28\textsuperscript{th} July 2003.
\textsuperscript{66} The Butler Report, Annex D.
Nor was it a foregone conclusion that such a stance would lead to war. The understanding that disarmament and regime change were the same thing also implied a hope that a rigorous weapons inspection process would lead to the internal collapse of Saddam’s regime.\textsuperscript{67} Yet it was clearly understood that military force would probably be needed to change the regime and the WMD issue would provide the legal cover for war. Indeed this strategy had been laid out in the March 2002 interdepartmental document. Iraq would either refuse to admit inspectors; or it would admit inspectors but obstruct them; or significant quantities of WMD would be found.\textsuperscript{68} As Bluth notes, ‘in each of these three cases there would be the justification for the use of force. Using inspections to disarm Iraq fully was not considered a viable option.’\textsuperscript{69} Like Milosevic at Rambouillet,\textsuperscript{70} Saddam’s failure to accept international conditions - in this case UN weapons inspections in the face of mounting evidence that he possessed WMD - was to be Blair’s reason for war. Using the WMD threat as the issue would legally justify and therefore lever support for the policy of regime change.

Such a strategy was exceptionally risky. It was vulnerable in three specific ways. Firstly there was the (admittedly remote) possibility that Saddam Hussein might cooperate with the inspection regime; and secondly there was the (very high) probability that member states of the Security Council would not share Bush and Blair’s assessment of the WMD threat. Finally, it would appear that by basing the justification for war on disarmament when the actual reason for war was the nature of the regime, Blair would be accused of lying to the British people. What made this strategy even riskier was the realisation in March of 2002 that the intelligence available on Iraq’s WMD programme made for a rather unconvincing case. Blair had considered presenting a dossier of information on the emerging threat to Parliament prior to his Texas meeting with Bush in April 2002. However at that time Parliament was beginning to show its concern towards the government’s policy on Iraq. On the 7\textsuperscript{th} March 70 Labour MPs had signed a motion declaring that war would be unwise. Betraying a lack of faith in his case Blair decided not to present the intelligence to Parliament.\textsuperscript{71} Given that the

\textsuperscript{67} This view was held by Sir Christopher Meyer who seemingly took it for granted that 100 per cent compliance with UN resolution on disarmament would be impossible with Saddam Hussein in power. The implication being that full compliance with disarmament conditions was the same as regime change. Riddell, \textit{Hug them Close}, p.199. Sir Jeremy Greenstock, the UK Ambassador to the UN, also held this view. He notes how he ‘always thought the combination of tough inspections, the military build up and catching Saddam red-handed with WMD would persuade the people around Saddam that this is not worth regime suicide.’ He prefaced this with the comment ‘maybe we were naïve’. Wintour and Kettle, \textit{Brought to the Brink of Defeat – Part 2}.

\textsuperscript{68} The Butler Report, para.265.

\textsuperscript{69} Bluth, ‘The British road to war’, p.877.

\textsuperscript{70} On the contested role the Rambouillet conference played in the lead up to the Kosovo war see Marc Weller, \textit{The Rambouillet Conference on Kosovo}, \textit{International Affairs}, April 1999.

\textsuperscript{71} Seldon, \textit{Blair}, p.573.
Joint Intelligence Committee had that same month described intelligence as ‘sporadic and patchy’ it is unlikely that the dossier would have helped Blair’s case.\(^2\)

The vulnerability of the strategy and the difficulties of communicating it publicly were evident in Blair’s speech at the Bush presidential library in April 2002. This speech contained many of the earlier themes of international community. Yet it also contained an explicit reference to regime change ‘if necessary and justified’ without saying what role the United Nations Security Council played in answering that question. Instead the Prime Minister listed three conflicts involving regime change (Milosevic, the Taliban and Sierra Leone) as if he was trying to justify his presence in a room full of neo-conservatives.\(^3\) The political dilemma, however, was clear from the inconsistency contained within that speech. On the one hand Blair spoke enthusiastically about regime change, yet on the other he implied that all Saddam Hussein had to do to avoid war was ‘let the [weapons] inspectors back in, anyone, any time, any place that the international community demands’.\(^4\)

It was several months after the Texas meeting that Blair helped to convince Bush that he should seek another resolution at the United Nations Security Council. In a personal letter to the President at the end of July 2002 Blair seemed to backtrack on his support. According to Kampfner, Blair ‘hinted, ever so gently, that without a UN resolution, Britain might not be able to join a military campaign in Iraq’.\(^5\) Whether this had been part of an original plan might be a matter of speculation. Blair may have sought to get Bush used to the UK’s support and then say it was conditional on UN authorisation. It is more than likely, however, that it reflected a realisation on Blair’s part that by encouraging regime change he was way out in front of political and, for that matter, legal opinion.\(^6\) Either way Blair’s letter did influence the President’s war plan. Up to that point the need for a new UN resolution was not a factor in US planning, but over the summer vacation the President decided, against stiff opposition

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\(^2\) The Butler Report, para.270.
\(^3\) Of course one might exclude the President’s father from that group. He had argued long after he had left office that the military overthrow of Saddam Hussein would be the wrong thing to do. See interview with Lord Douglas Hurd, *The Search for Peace*, BBC, 1997. This view was articulated in 2002 by Bush Snr.’s National Security Adviser Brent Scowcroft in ‘Don’t Attack Saddam’, *Wall Street Journal* 15 August, 2002.
\(^4\) President Bush Snr. Presidential Library on April 8, 2002, available at: <http://www.guardian.co.uk/Iraq/documents/>. This contradiction persisted up to the point of war. As late as February 25, 2003, for instance, Blair told the House of Commons that he detested Saddam’s regime, but ‘even now he can save it by complying with the UN’s demand.’ Quoted in Riddell, *Hug them Close*, p.94. For a view that Blair would have accepted disarmament short of regime change see Wintour and Kettle, ‘Brought to the brink of defeat’.
\(^5\) Kampfner, *Blair’s Wars*, p.192.
\(^6\) Seldon, *Blair*, p.576; Riddell, *Hug them Close*, pp.202-3. The Butler Report (para.287) notes that ‘work on legal issues’ had been commissioned at a meeting on 23 July. This was chaired by the Prime Minister and in attendance were Ministers and officials primarily involved in UK policy formulation and military contingency planning. It is likely that the personal letter to Bush was prompted by the result of this ‘work’.
from the Vice-President, to involve the Security Council. This was confirmed at a meeting with Blair at Camp David on September 7, where Blair confirmed he would be a steadfast ally in any military action that was required. That Blair had a major influence on this decision is conceded by the President in Bob Woodward’s account of decision making inside the Bush White House. Secretary of State Colin Powell had also been arguing along these lines, which leads Seldon to conclude that ‘Blair’s role was not insignificant, but it affirmed the way Bush’s mind had been moving.’

The President’s intention to seek another resolution that would give explicit authorisation for the use of force against Iraq was declared in his address to the UN General Assembly in September. This was a victory for Blair. It became increasingly clear through the autumn of 2002 however, that neither the Security Council, nor large sections of the British public shared, Bush and Blair’s anxiety about Saddam Hussein’s alleged weapons of mass destruction. Despite the fact that little of significance had emerged over the summer Blair presented to parliament an updated version of the dossier that he had withheld the previous March. The September 2002 dossier gave details on chemical and biological weaponry that had not been accounted for since the UN weapons inspectors had left Iraq in 1998. The programme was said to be active, detailed and growing. In one sentence, which was to become infamous, the dossier claimed that ‘the Iraqi military are able to deploy chemical and biological weapons within 45 minutes of an order to do so’. It had the kind of effect, at least in the short-term that Blair had hoped for. Newspaper headlines warned that British interests in the Mediterranean were a mere 45 minutes away from attack.

It is important at this point to step back from the chronology to understand the long term impact the September dossier had on British perceptions of Blair and his government. The

77 Cheney feared that the UN objective would be limited to getting the inspectors back into Iraq. This would merely ‘provide false comfort that Saddam was somehow “back in the box.”’ Remarks by Vice-President to the Veterans of Foreign Wars in Nashville, 26 August, 2002. Available at: http://www.whitehouse.gov/news/releases/2002/08/20020826.html. On the UK suspicion of Cheney see Wintour and Kettle, ‘Brought to the brink of defeat’.
78 Kampfner, Blair’s Wars pp.195-8.
80 Seldon, Blair, p.578.
82 The Butler Report notes that additional intelligence did emerge in August and September. It also notes, however, that there is now doubt about the reliability of that intelligence (para.301, 355, 398). More significantly it notes (para.304) how the Inquiry was ‘struck by the relative thinness of the intelligence base supporting the greater firmness of the JIC’s judgements on Iraqi production and possession of chemical and biological weapons, especially the inferential nature of much of it.’ While the JIC secret assessments gave warnings about the limitations of this intelligence the September dossier did not make the public aware of them (para.331).
accusation that Blair and his communications director Alastair Campbell had lent on John Scarlett, the Chairman of the Joint Intelligence Committee, and “sexed up” the intelligence knowing that it was incorrect, led to an unprecedented battle between the government and the BBC. When the source for the BBC’s story, the former UN weapons inspector Dr. David Kelly, committed suicide in July 2003, Blair set up an inquiry under Lord Hutton. His report cleared the government of knowingly exaggerating the intelligence, which in turn led to the resignation of key figures at the BBC.84 There was a strong feeling amongst many, however, that the Hutton report had been a whitewash. Blair it seems had been happy to live with the mixed verdict until President Bush declared it his intention to set up an inquiry into why no weapons of mass destruction had been found. His hand forced by decisions taken in Washington, Blair agreed to a second inquiry this time to answer questions regarding British intelligence chaired by Lord Butler. Butler delivered his report on July 14th, 2004.85 By this time, however, those who had been happy to trust the intelligence on the threat posed by Saddam, having gone through various stages of denial, now acknowledged that the intelligence had been wrong. Blair’s political position, moreover, was now less vulnerable and Butler’s criticism that the intelligence and the intelligence process were faulty lacked significance. The 45 minute claim may have been based on a single uncorroborated source, intelligence claiming Iraq had sought uranium from Africa, (a claim which made its way into Bush’s State of the Union address), may have been false and the British government may have actually plagiarised the work of a Ph.D. student in a later dossier, but the government decided that these mistakes (unlike those of the BBC) were not worthy of resignations.86 This lack of accountability was immensely damaging to British democracy.

None of this could have been foreseen in September 2002 when the dossier was released. In the short term it helped Blair convince both the Security Council and the British Parliament that Saddam Hussein had, in some way, to be dealt with. In November Blair was able to secure a unanimous vote in favour of what became Resolution 1441 (2002), which warned Iraq ‘that it will face serious consequences as a result of its continued violations of its obligations’.87 But again this was a temporary victory for Blair. Resolution 1441 is, of

85 Available at: <http://www.butlerreview.org.uk/report/index.asp> Butler’s inquiry had been limited to the specific issue of WMDs and had not, much to the anger of the Liberal Democrats who withdrew their cooperation, examined the wider issues raised by the decision to go to war. That the Butler Inquiry stuck to this narrow remit is shown in para.263 of the Report. It refuses to cast judgement on the appropriateness of regime change by military means, which was apparently discussed in the March 2002 interdepartmental document. The Conservative Party had initially cooperated with the inquiry but then changed their minds. Their support for the war now seriously compromised their ability to exploit Blair’s weakness as any attempt to do so was dismissed as opportunistic.
86 Kampfner, Blair’s Wars, p.265.
course a case study in the diplomatic art of creative ambiguity. For the Americans in particular ‘serious consequences’ meant military action to change the regime in Baghdad. For many other delegations, including the French, it meant actions short of war. Resolution 1441, in other words, only delayed the inevitable showdown which came in March of the following year when Blair would try for a last time to get explicit authorisation from the Security Council to use force against Iraq.

Another unreasonable veto

By the end of November 2002 the diplomatic pressure on Saddam Hussein seemed to work when weapons inspectors were allowed to return to Iraq. This was seized upon by the anti-war movement as proof that the Iraqi threat could be dealt with in a manner short of war. It was the thin end of the wedge that would undermine Blair’s strategy. His ultimate aim was regime change even if his political and legal strategy was based on disarmament. Like Bush he now had to hope that the process of cooperating with those inspectors would be so costly for Saddam Hussein that it would lead to the internal collapse of his regime. By January 2003, however, it seems the President had made his mind up that the inspections would not bring that about and he would have to go to war. There was hope among those that shared this view that Hans Blix’s report to the UN on 27 January would be the trigger for war. In a concession to Blair’s agenda, however, the President agreed at the end of January to push back the winter timetable and have one more go at securing explicit authorisation from the UN Security Council. This was despite the fact that the votes were clearly stacked against him and Colin Powell’s presentation to the Security Council on February 5 did nothing to alter that fact. To many the British and American case was unconvincing and if there was a threat to international security it could be dealt with by a process of continuous weapons

88 Wintour and Kettle, Brought to the brink of defeat – Part 2.
89 Up to January 2003 UK diplomacy was guided by the ‘conventional wisdom’ that the French would use their permanent status on the Security Council to dispute an issue but that they would ‘eventually come round’. See Seldon, Blair, p.587; Riddell, Hug them Close, p.233. The strong advocate of this view according to Wintour and Kettle was Michael Williams, Jack Straw’s special adviser at the Foreign Office.
90 In this respect Blair shared the view expressed by Meyer and Greenstock, see note 63. Despite his public statements that Saddam Hussein could avoid war by disarming Blair noted a year after the invasion that his view had been ‘that if the UN had come together and delivered a tough ultimatum to Saddam, listing clearly what he had to do, benchmarking it, he may have folded and events set in train that might just and eventually have led to his departure from power.’ Speech to his Sedgefield constituency, March 5, 2004, available at: <http://politics.guardian.co.uk/iraq/>.
91 Kampfner, Blair’s Wars, pp.258-264.
inspections. 93 This feeling was echoed on the streets of Britain. February 15 saw the biggest demonstration in British history as people marched in London and elsewhere to stop the war. Eleven days later 121 Labour MPs defied the Party whip and voted for an amendment arguing that ‘the case for military action is as yet unproven’. 94

Fearful that without the second resolution there would be regime change in Westminster, Bush had suggested to Blair on March 9 that he might wish to drop out of the coalition. 95 Indeed Donald Rumsfeld had publicly suggested that the US would be prepared to go to war without the UK if Blair could not persuade Parliament. Blair, however, remained committed to his side of the deal they had made in September at Camp David. Coates and Krieger argue that Blair’s previous argument for war had made this decision inevitable. His public statements had locked him and the UK into a path of confrontation. Like Dunne, they conclude, that the decision to take part in the invasion without having made the case at the Security Council was a betrayal of Blair’s own doctrine of the international community. 96 On March 10th, however, President Chirac gave Blair the opportunity to claim that he and President Bush were in fact continuing to act on behalf of the international community. Chirac made it clear in an interview on French television that he would veto any second resolution. Blair seized on the statement with a rhetorical move that had been used to justify military action in the past. Chirac’s threat to use the veto, he argued, was like the Russian threat to veto NATO action against Yugoslavia. It was ‘unreasonable’. 97

While others, not least the Chief of Defence Staff, General Sir Michael Boyce, may have agreed with this analysis of the French position they were less happy at the prospect of fighting a war, which might be considered by some to be illegal. 98 On the same day that Chirac made his statement Boyce demanded an unequivocal one-line note from the Attorney-

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93 Freedman gives a detailed account of the reaction to Powell’s presentation, see ‘War in Iraq’, pp.32-33.
94 The amendment was defeated thanks to the support of Conservative MPs. Riddell, Hug them Close, p.247.
97 Blair had been thinking along these lines for some weeks. For instance he refused to reassure viewers of BBC 2’s Newsnight that he would be bound by the veto of a 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’. Tony Blair on Newsnight - part one Friday February 7, 2003, available at http://politics.guardian.co.uk/foreignaffairs/. The problem for Blair, of course, was that ‘everyone else’, did not wish to take military action.
98 The military were not the only ones concerned about this. Foreign Secretary Jack Straw is said to have reflected the views of the Foreign and Commonwealth Office when he suggested to Blair on the 16th March that without a second resolution Britain’s support for the US should stop short of military engagement. Kampfner, Blair’s Wars, p.303.
General saying the war was legal.⁹⁹ The legal opinion was delivered by the Attorney General, Lord Goldsmith to the Cabinet a week later. Authority for the use of force against Iraq it was claimed was contained in Resolutions 678 (1990), 687 (1991) and 1441 (2002).¹⁰⁰ At first sight such an argument looks dependent on ‘doctrine of implied authority’, the kind which the UK used to justify its military action against Yugoslavia in 1999. Yet as Adam Roberts notes there is a subtle and important difference. ‘In 1999’ he writes,

the UN Security Council had not specifically authorised the use of force against Serbia, whereas in November 1990 it had authorised [in Resolution 678] force against Iraq. The question regarding Iraq in 2003 was whether that authority dating back to 1990 could be said to have continued or resumed. Thus what was at issue regarding Iraq in 2003 was as much a claim of ‘existing authority’ or ‘continuing authority’ as of ‘implied authority’.¹⁰¹

For Blair the legal opinion was enough to secure the support of the military and Parliament. In a vote on 19th March, only 217 MPs voted in favour of a resolution opposing the government’s policy on Iraq. Only 139 Labour MPs defied the Party whip. In total 396 MPs supported Blair.¹⁰² The fact that so many MPs were convinced did not make the legal argument a strong one. Questions remain concerning the doctrines of ‘implied’, ‘revived’ and ‘continuing authority’. For instance Roberts asks whether or not ‘the current views of the Council, which in March 2003 were, for the most part, against the use of force, trump its past authorisations?’ While he concludes that the idea of continuing authority is ‘fundamentally strong’ he doubts whether its particular invocation in this crisis was valid ‘especially in view of the doubtful quality of the evidence that Iraq still possessed weapons of mass destruction’.¹⁰³ Others have argued that the negotiating record of Resolution 1441 (2002)

⁹⁹ The General’s demand for a legal opinion was apparently prompted by a need to ensure that military chiefs and their soldiers would not be ‘put through the mill’ at the International Criminal Court. (The Observer, March 7, 2004). If this is the case then it shows a remarkable lack of awareness of what the ICC can and cannot do. Even if the act of going to war was deemed legal, the Court could still exercise jurisdiction over British forces for acts committed in the conduct of the war if those acts constituted war crimes, crimes against humanity or genocide. The legality of going to war has no bearing on this. Besides, even if the Court’s Independent Prosecutor disagreed with the Attorney General and argued that the war was illegal he could not exercise jurisdiction over the act of going to war as the Court does not, for the time being, exercise jurisdiction over the crime of aggression. See Article 5 (2) of the Rome Statute.
¹⁰⁰ The Butler Report, para. 386. On the same day the Foreign Secretary gave a more detailed statement, which is contained in Annex D of the Butler Report.
¹⁰² Woodward suggests Cheney and Karl Rove may have contacted the Conservatives to urge them to support Blair and the war, p.342. Riddell suggests contact was made and that Bush sent the Tory leader a warm message of thanks following Blair’s victory. Riddell, Hug them Close, p.254.
made it clear that it was not the intention of the Council to revive an authority to use ‘all necessary means’ if Iraq was found to be in breach of its obligations.\(^\text{104}\)

In March 2003 Goldsmith’s argument was widely contested across the legal profession and from within government.\(^\text{105}\) It did, however, leave Blair’s political opponents in a difficult position and recovered a possible link to Blair’s doctrine of the international community. Both Robin Cook as Foreign Secretary and Clare Short as International Development Secretary had supported the use of force against Yugoslavia in 1999 despite its lack of explicit Security Council authorisations. Yet Short and Cook (who was now Leader of the House of Commons) had grave reservations about going to war against Iraq without the second resolution.\(^\text{106}\) Were they being inconsistent? After all Cook had argued in July 2000 that the UK

\(^{104}\) N.D. White and E.P.J. Myjer, ‘Editorial: The Use of Force Against Iraq’, Journal of Conflict Security Law 2003 8: 1-14. White and Myjer also argue that by stating the council ‘decides the remain seized of the matter and to take such further steps as may be required for the implementation of this resolution and to secure peace and security to the area’, Resolution 687 effectively revoked the authority in 678 to restore ‘international peace and security to the area’.

\(^{105}\) That ‘there was disagreement inside the FCO on whether a further decision of the Security Council would be needed before the UK could lawfully use force against Iraq’ is acknowledged in the Butler Report, para375. 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. Chatham House Press Release 27 February 2004. On the 7 March, 2003, 16 international lawyers signed a letter which argued that going to war without a second resolution explicitly authorizing the use of force would be illegal. The letter was sent to Downing Street. See Duncan Campbell, Michael White and Patrick Wintour, ‘No case for military action, lawyers tell Blair’, The Guardian, March 7, 2003. Christopher Greenwood, Professor of International Law at the London School of Economics did not sign the letter and publicly argued in favour of the Attorney General’s opinion. See Richard Norton-Taylor, ‘Law unto themselves’, The Guardian March 14, 2003. Kampfner implies that it was from Greenwood that the Attorney-General got the legal argument to justify the war. Blair’s Wars, p.379. In November, 2002 Matrix Chambers, the legal practice founded by the Prime Minister’s wife, Cherie Blair, prepared a legal opinion for CND, which stated that the UK would be in breach of international law if it were to use force against Iraq without a further Security Council resolution. Kampfner, Blair’s Wars, p.304. Another indication of the lack of confidence in the legal argument came in February 2004 with the trial of Katherine Gun, a translator at GCHQ listening centre. Gun was accused of disclosing secret documents to the press before the war. Her defence team argued that she was trying to prevent an illegal war. Rather than stand by the Attorney-General’s argument that the war was in fact legal the prosecution withdrew the case against Gun.

\(^{106}\) See Robin Cook, ‘Why I had to leave the Cabinet’, The Guardian 18th March 2003. Cook, who had been personally briefed by head of the JIC John Scarlett, had spoken in Cabinet on the 13th March about the need to gain a second UN resolution. Kampfner, Blair’s Wars, pp.294 and 298-301. He eventually resigned as Leader of the House on the day the Attorney General delivered his advice to the Cabinet. The Attorney General apparently delivered his opinion in the seat vacated by Cook. The suggestion that Cook’s resignation was inspired by a personal anger at the Blair for the way he had been treated in the past see Wintour and Kettle, ‘Brought to the brink of defeat’. Having earlier described Blair as ‘reckless’, Short did not resign on the understanding that the reconstruction of Iraq would receive a UN mandate and Bush would move on the ‘road map’ to Palestinian statehood. She eventually resigned on 13th May because these promises were replaced by a triumphantalist attitude in Downing Street and because the US had no interest in meeting its obligations under the Geneva Conventions or a UN resolution authorising the reconstruction of Iraq. Clare Short, ‘How the Prime Minister deceived us’, The New Statesman 9 June, 2003, pp.19-21. Two other ministers John Denham at the Home Office and Lord Hunt, a junior health minister, resigned over the war. We now know that Foreign Secretary Jack Straw also had reservations, although they had more to do with the
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 … .

Replace ‘Kosovo’ with ‘Iraq’ and ‘two of the Permanent Members’ with ‘France’ and this could have been Tony Blair speaking in March 2003. In defence of Cook’s position, however, it must be understood that the two situations were completely different. As Cook made clear in a devastating resignation speech to the House of Commons, he had studied the issue on its particular merits. Neither the threat posed by Saddam to regional security nor the humanitarian situation made this an ‘exceptional circumstance’. The French threat to veto the second resolution, in other words, was not unreasonable. As Cook himself put it:

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.

It is claimed by Sir Jeremy Greenstock, the UK’s Ambassador to the UN during this period, that the intense efforts to get a second resolution were successful to the extent that they prevented the tabling of a resolution condemning the invasion. This would have put the UK in an awkward position of having to use its veto having accused the French of acting unreasonably when it threatened to use its. Yet this ‘success’ also denied the UK the kind of opportunity afforded them by the Russian draft resolution condemning NATO’s use of force against Yugoslavia in 1999. As noted above, that draft resolution was clearly defeated by a


108 Born out of a concern that humanitarian intervention was being abused by the coalition Human Rights Watch released a report in January 2004 which countered claims being made that the Iraq war could have been justified on humanitarian grounds. See Ken Roth, ‘War in Iraq: Not a humanitarian intervention’, available at: <http://www.hrw.org/wr2k4/3.htm>.

109 House of Commons, March 17. Privately this interpretation of the voting intentions of UN members was confirmed by the UK Ambassador to the UN Sir Jeremy Greenstock. See Wintour and Kettle ‘Brought to the brink of defeat’.

110 Seldon, Blair, p.588. In this respect ‘the use of force may be legally precarious, but it is not self-evidently … illegal’. Roberts, ‘The Use of Force after Iraq’, p.38.
vote of 12-3. Only China and Namibia joined Russia in voting for the resolution.\textsuperscript{111} That vote might be interpreted as giving NATO’s use of military force a legitimacy that is grounded in the votes of those on the Security Council and not simply on the humanitarian claims made by NATO allies.\textsuperscript{112} The fact that no such vote was cast at the Security Council in 2003 should not, therefore, be regarded as a success for UK diplomacy. Rather it is another reminder that they were not able to convince a majority of the members on the Security Council that the war was necessary.

Conclusion

It is hard to avoid the conclusion therefore that Blair did indeed betray ‘the new doctrine of international community’ when he committed UK forces to the invasion of Iraq. He had decided in 2002 that a military invasion to overthrow Saddam Hussein’s regime would require additional Security Council resolutions to give the coalition clear authority to use force. Yet the failure to gain explicit authorisation was not seen as evidence that the international community could not agree to regime change, rather it was interpreted by Blair as evidence that those offering an alternative view were being unreasonable. Blair then relied on a legal argument he had earlier dismissed as inadequate. His claim that the French were the only reason why the UK could not gain UN authorisation for the war recalled the way in which NATO had (arguably) secured legitimacy for its military action against Yugoslavia in 1999. Yet the circumstances then were clearly different. Where NATO could claim majority support in the Security Council by pointing to the defeat of the Russian resolution on Kosovo, Blair could not make a similar claim over Iraq. Indeed it is likely that a resolution condemning the invasion of Iraq would have secured a majority vote and in this case there would have been many claiming that the inevitable British veto would have been, by Blair’s own standards, ‘unreasonable’.

The legal justification put forward by the UK government was necessary for Blair. This necessity was certainly felt politically and probably manifested itself intellectually also. As this chapter has demonstrated there were serious concerns at the highest levels of the political establishment that the invasion was illegal and that the UK could not possibly engage in such an action. Blair was well aware of this early on in the diplomatic process and he knew that he would need further UN resolutions to take his country to war. In fact his foreign policy up to the Iraq crisis had done much to encourage this understanding of the UKs role in the world.

\textsuperscript{111} UN doc. S/1999/328.
\textsuperscript{112} Adam Roberts describes this vote as giving NATO ‘at least a crumb of legal comfort’. Adam Roberts, ‘NATO’s “Humanitarian War” over Kosovo’, \textit{Survival}, Vol.41, No.3 Autumn 1999, p.105. For the argument that this still does not equate to legal authorisation, see White, ‘The legality of bombing in the name of humanity’.
Many had supported Blair when he argued that the UK should be a good citizen of international society and should stick to and occasionally challenge (though not ignore) the rules. Having done so much to foster this image of British identity it is likely that Blair would have himself wanted UK actions to be seen as legitimate.

Despite convincing arguments that the war was not legal or legitimate Blair’s insistence that the military action remained consistent with a doctrine of international community does immense damage to the worldview that he has tried to cultivate. Of course he could not be expected to argue differently, not yet at least. But his continued use of the rhetoric of ‘international community’, despite clear evidence that his policy failed to gain majority support within the Security Council, gives political ammunition to the Realist view of international relations, which he dismisses as too pessimistic. This unfortunately will be an unwanted legacy of Blair’s foreign policy. His choice to rely on dubious legal reasoning having once rejected it as inadequate, and his refusal to accept that the case for war had not been made, undermines the idea of international society and emboldens its critics. The ‘new doctrine of international community’ will be treated by historians with great scepticism. Realists will argue with greater conviction that international law is merely what the great powers say it is and Liberal internationalists will find it harder to refute the claim that international society only exists so long as it does not conflict with the preconceived and non-negotiable interests of the powerful. It is not what Tony Blair or his supporters would have wanted.