

The UK and the Use of Force in Iraq: Academics and Policy-Makers

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The role of outside forces in Iraq from 2003 onwards is, for the most part, an inglorious story of an initially successful use of military force that then ran into difficulties and ended largely in failure. Some might think it is best forgotten. However, there is always much to be learned from failure; and in this particular case, many questions of general and enduring interest are raised. These may be of interest to other countries, including China. The central questions I want to ask are simple. First, was the largely sceptical position of many UK academics in relation to this war justified? Has it been vindicated by the official reports on the war? What has been, or should now be, learned from the many failures of policy-making regarding Iraq?

The invasion of Iraq in 2003 has deeply influenced UK and also US thinking about military action overseas. It contributed to a more general growth of scepticism in the UK and the US about a certain form of active international interventionism. It helps to explain the reluctance of both countries to intervene in the Syrian civil war from its beginnings in 2011 right through to the fall of the

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besieged rebel enclave of East Aleppo in December 2016, leaving the Western powers in an essentially weak position as bystanders to tragedy. No doubt, the pendulum will at some point swing back: it would be a mistake to deduce from this paper that the UK has lost all interest in overseas military action. In the meantime, however, the reluctance of the Western powers to act in Syria has led, in turn, to the involvement there of others, including Russia.

Indeed, the political earthquakes of 2016 in both the UK (the Brexit vote of 23 June 2016) and USA (Trump's win in the Presidential Election on 8 November 2016) have owed something to the fact that, since at least 2001, the British and US armed forces had been involved in dispiriting military campaigns with no clear result. This was true of the interventions in Afghanistan from 2001 onwards, in Iraq from 2003, and then in Libya in 2011. Involvement in these enterprises was not the sole cause of the Brexit or Trump victories in 2016, and neither the Brexit nor the Trump campaigns presented to their electorates a clear alternative foreign policy: they merely presented some crude caricatures of certain aspects of foreign policy, and on some occasions indicated that they might be a bit warmer towards Putin's Russia, without specifying any detail. However, their political campaigns were able to take advantage of a general dissatisfaction with the existing foreign policies of the UK and US.

The Iraq invasion from 2003 onwards exemplified some issues that have also arisen in other crises of the contemporary era. These include certain questions relating to the lawfulness of resort to, and the use of, force. Is it ever lawful for a state to use force when it is neither a clear case of self-defence, nor an explicitly authorised action under a UN Security Council resolution? And can modern military occupations, aimed at transforming previously authoritarian political systems, be reconciled with the body of law governing military occupations?

The Iraq events also provoke several questions relating not only to law but also to strategic studies and historical judgement: was it wise for the UK, the US or indeed other powers to engage in several difficult military campaigns at the same time? Have successive UK governments overestimated our capacity to transform societies with

different cultural, political and military traditions from our own?

This paper, based entirely on published sources, will draw on legal, strategic and historical analyses of these events. All three approaches properly form part of the academic study of International Relations. An analysis with three different academic approaches, and even distinct methodologies, might appear to be a recipe for intellectual indigestion. However, there may be merits in looking at the same events from several viewpoints. This multi-disciplinary/interdisciplinary approach was also emphasized in the research programme on Changing Character of War that was established at Oxford University in 2003, and in which I participated.¹

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The lessons to be learned from the Iraq events are not just lessons for the UK and US. They are also lessons that other states may need to take into account, including China. And in some cases the lessons may relate not only to future national and coalition military operations, but also to the management of certain UN peacekeeping operations with complex mandates.

Why the focus particularly on the UK's role in Iraq? It was obviously on a much smaller scale than that of the US – whether one is measuring the numbers of military and other personnel involved, the geographical areas of responsibility, or the overall effects. Indeed, in the period 2003-2005 the UK troop numbers were only about 5 per cent of the overall coalition effort.² However, the questions raised by the UK involvement were similar to those of many partners in US-led coalitions; and the UK's role in Iraq was the occasion for several notably detailed and thorough official analyses – the three most conspicuous examples being the Baha Mousa Public Inquiry report, issued in 2011, addressing the UK forces' treatment of detainees in Iraq;³ the Al-Sweady Inquiry report on a separate set of allegations (found to have been without foundation) about the conduct of UK forces, chaired by Sir Thayne Forbes, and issued in 2014;⁴ and the report of the Committee of

Inquiry on the Iraq war, chaired by Sir John Chilcot, and issued in 2016.⁵ In addition, and the British Army produced its own internal analyses of these operations and their lessons. One such report, written by Ben Barry, and covering the years 2005-2009, offered particularly frank and tough conclusions.⁶

UK Views on the 2003 Iraq War

UK public opinion on the war changed considerably over time. Before the war, public opinion was generally against the use of force if there was no new authorization from the UN Security Council and no proof of Iraqi possession of weapons of mass destruction. This changed to majority support around the time of the start of the war on 20 March 2003, with an average of about 56 per cent supporting the action. Support reached a high point of 66 per cent when US troops entered Baghdad on 10 April and thereafter gradually declined. Following revelations in April 2004 of US torture of prisoners in Iraq, support declined further, and thereafter the numbers opposing the war consistently exceeded those supporting it. Interestingly, the polls contain evidence that many people remember their previous positions differently. When asked in June 2015 whether at the time the war began in 2003 they had supported military action against Iraq, only 37 per cent answered Yes, compared to about 56 per cent who answered Yes at the time.⁷

I suspect that British academics have been consistently more critical than the public of the 2003 intervention in Iraq. My assessment of opinion among British academics is impressionistic, not scientific; and it would be wrong to convey a picture of unanimity among them. Most academic international lawyers considered that the US-led intervention in Iraq was legally unjustified.⁸ Many historians were also opposed to this military action. Some of their opposition reflected a general scepticism about the results of interaction between Western armed forces and indigenous populations, especially in the Middle East; and some of it reflected a more specific awareness of the many difficulties and limited impact of the British role in Iraq in 1921-1932 under a League of Nations mandate: it was indeed reasonable to doubt whether we would do any better in the twenty-first century. Before

the March 2003 invasion, *The Guardian* published the views of twelve leading historians on both sides of the argument over Iraq. Eight of the twelve indicated opposition to the coming war, and two supported it.⁹ Other names of supporters could of course be added, including Professor Niall Ferguson, a distinguished historian who is never afraid of controversy.

I had a very minor role in some of these issues. I mention my role so that you can know where I stood, and you can make the appropriate mental adjustments if you suspect me of bias, shallowness, or worse. I made about a dozen formal submissions to official bodies between 2001 and 2015. In these submissions, I was critical of the official UK doctrine on the war on terror, and I was also critical of the intervention in Iraq. I will not bore you with a full list.¹⁰ The effect of these submissions was very limited: the tendency is for parliamentary committees to treat politely the academics they have invited to give evidence, to ask them some good questions, and to refer to their submissions respectfully in reports. Only very rarely does any change in government policy result from such exchanges. My role was not important – I can think of many British academics who played a much more significant role than I did.

I should make it clear that I was by no means opposed to all uses of force, or all military interventions in foreign countries, in counter-terrorist operations. After the attacks on 11 September 2001, I supported the US-led military action in Afghanistan that started on 7 October 2001, but had doubts about the subsequent ambitious plan to bring major structural change to the Afghan constitutional system and indeed to Afghan society. And since it began in 2015, I have supported UK participation in military operations against Islamic State.

In the UK, unlike in the USA, the 2003 Iraq invasion was not officially presented as a response to acts of international terrorism. And yet, as the Chilcot Report put it, “Tony Blair encouraged President Bush to address the issue of Iraq in the context of a wider strategy to confront terrorism after the attacks of 9/11.”¹¹ One of the key moments in the background to the Iraq war was the UK government publication in July 2002 of a “New Chapter” on defence policy, to take into account the new situation

in the wake of the terrorist attacks of 11 September 2001.¹² This document was significant so far as subsequent events in Iraq were concerned because it presaged a new round of interventionism, and underestimated the sheer difficulty of trying to exert control in, let alone transform, distant and divided societies.

In a memorandum of 28 October 2002, I made some criticisms of that “New Chapter”. I drew attention to the dangers of proclaiming as an aim of policy that the UK seeks “to eliminate terrorism as a force in international affairs”. This was subject to two lines of criticism: (a) terrorism is notoriously difficult to “eliminate”; and (b) if “elimination” is the proclaimed goal, then every subsequent terrorist incident represents a victory for the terrorists. This was one of several submissions to the Defence Committee of the House of Commons. The Committee reported on these matters in May 2003, largely accepting a widening of the geographical assumptions behind UK defence policy, of which by that time there was a troubling manifestation in the form of the military intervention in Iraq.¹³

In my memorandum to that committee I had also criticized the general statement: “Experience shows that it is better where possible to engage an enemy at longer range, before they get the opportunity to mount an assault on the UK.” (p. 9.) This argument is very attractive, but two serious limitations should be noted.

Firstly, it presents a false choice. However desirable it may be to engage the enemy at longer range, there is no substitute for defensive anti-terrorist and counter-terrorist activities. The astonishing casualness of US airport security before 11 September 2001 illustrates the point.

And secondly, the history of counter-terrorist operations suggests no such clear conclusion. The fact is that many counter-terrorist campaigns have been successfully conducted with only limited capacity, or willingness, to engage the enemy at longer range. The protracted campaign in the British colony of Malaya after 1948 against those whom the British called “Communist Terrorists”, is one case in which geographical restraint had to be exercised by the British, and was not crippling to their efforts. Likewise, the conduct of UK operations in Northern Ireland operated under certain

obvious and important legal, political and geographical constraints: UK forces did not conduct military operations in the Republic of Ireland, even though the Provisional IRA sometimes organized some of its attacks from there.

In my October 2002 memo, I mentioned a further reason why the current UK doctrine was problematic. This was that some counter-terrorist operations that have aimed at attacking what is believed to be the source of terrorist attacks have ended in disaster. That was the fate of the Austrian attack on the terrorist “hornet’s nest” in Serbia in 1914, starting the First World War and leading directly to the collapse of the Habsburg Monarchy. As I indicated in the same memorandum, the Israeli invasion of Lebanon in 1982 was another case of a counter-terrorist operation that went terribly wrong.

The Chilcot Report’s Verdict on the War

The Report of the Iraq Inquiry, chaired by Sir John Chilcot, was published on 6 July 2016. Its job was to investigate the UK role in Iraq between 2001 and 2009. Its massive 12-volume report made strong criticisms of the decision to use force in Iraq without adequate intelligence, cabinet discussion, or planning for the aftermath. These conclusions have been widely accepted in the UK, including by the government, and will surely affect processes of government decision-making. The Chilcot Report breaks new ground in its detailed account of the lack of planning for the phase of military occupation. The report clearly suggests that the strategy of containment pursued before the war should have been continued.

It was not the Chilcot Committee’s task to reach a conclusion on the lawfulness under international law of the decision to go to war against Iraq. Therefore, the report does not make a definitive judgement on this key point. However, the report concludes very definitely that the process by which the government decided that the use of force would be lawful was very unsatisfactory. Chilcot criticizes the change of opinion by Lord Goldsmith, the Attorney General, after meeting in February 2003 with John Bellinger, a legal adviser to the White House.

After publication of the Chilcot Report, many argued that

there was a case for prosecuting Tony Blair, the Prime Minister at the time of the Iraq invasion. His secret and unconditional promise (in a note of 28 July 2002) to support President Bush over Iraq was one of the many acts for which he was heavily criticized. On 30 November 2016, the House of Commons debated a motion on whether to set up a further examination of allegedly misleading information presented by Tony Blair to parliament and the people, especially in his speech in the House of Commons on 18 March 2003, during the run-up to the war. The motion to launch a new examination was defeated by 439 votes to 70. This reflected a strong feeling, often experienced in great public disasters, that it would be problematic to blame everything on one person when many people had been involved in the chain of events leading to war.¹⁴

Problems in Application of International Law in 21st Century Military Operations

Before looking at certain international legal questions that arose from the Iraq war, some context is needed. In the armed conflicts of the twenty-first century, the roles of international law have been complex, controversial, and in some instances also ineffectual. Sometimes, remarkably, international legal issues have played some part in the chain of events leading to the outbreak of conflicts as well as to their resolution. The reason for this is simple. Much of the huge body of international law imposes on individual governments a range of obligations – in arms control, human rights, conservation of fish stocks, or a hundred other fields. These obligations form a key part of the contemporary international order. However, they lead inevitably to situations where, when norms are plainly violated, pressure arises to use force against states deemed to be violators.

There have been numerous examples of the use of force by states in claimed support of international legal principles and in circumstances where the connection with self-defence is tenuous at best. Even the most multilateralist states have sometimes used force with such stated purposes. For example, on 9 March 1995, in the so-called “Turbot War” between Canada and Spain, Canadian patrol boats arrested a Spanish factory-freezer trawler, the *Estai*, over

twenty miles outside Canada's Exclusive Economic Zone, accusing it of violating quotas and fishing net sizes set by the Northwest Atlantic Fisheries Organization (NAFO). Emma Bonino, the EU fisheries commissioner, memorably condemned this Canadian use of force as "an act of organised piracy". Many other EU states supported the Spanish position, but the UK and Ireland supported Canada. It emerged that 70-80 per cent of the fish that the *Estai* had caught were undersized or protected, and had therefore been caught illegally. The conflict led to a new negotiated agreement for the international management of fisheries. Largely because Canada's actions were in support of the NAFO rules, and therefore had a strong multilateral framework, there was no general outrage or effective legal complaint at Canada's action. On 4 December 1998 the International Court of Justice declared that it had no jurisdiction to adjudicate upon the dispute brought in 1995 by Spain; and on 26 July 2005 the Federal Court of Canada ruled that Canada did not act illegally when it seized the *Estai*.¹⁵

A clear example of a case in which law can contribute to the resort to force is "humanitarian intervention" – that is, coercive action by one or more states involving the use of force in another state without the consent of its authorities, and with the purpose of preventing widespread suffering or death among the inhabitants. In the conduct of international relations, the question of whether humanitarian intervention is ever justified has always been a very difficult one. It has become more difficult partly because there has been since 1945 an impressive growth of two bodies of law: (1) Human rights and humanitarian norms, including those in the laws of war; and (2) Law restricting the use of force largely to the case of self-defence, or to cases where use of force is specifically authorized by the UN Security Council.

These two bodies of law sometimes clash in cases of military intervention aimed at achieving humanitarian purposes. In 1999, the NATO member states felt justified in acting as they did over Serbian repression in Kosovo, but there has been little sign of a generally acceptable doctrine emerging on the basis of this precedent. Both, Russia and China criticized the NATO action at the time and subsequently. It is not possible to adjudicate in any

universally acceptable way which of two great bodies of law trumps the other.

An attempt to address this issue through the doctrine of “Responsibility to Protect” (R2P) tackled only part of the problem and has had very limited effects. As adopted by the World Summit of the UN General Assembly in September 2005, this doctrine allowed for the possibility of forcible intervention in a state on humanitarian grounds, but only with the approval of the UN Security Council and in cooperation with relevant regional organizations.¹⁶ The R2P doctrine has been in deep trouble over Syria, where it has been largely irrelevant because of the unwillingness of the Western powers to act even in extreme circumstances. Worse, the doctrine caused expectations of foreign military assistance that encouraged some of the forces opposing the Syrian government – expectations that were followed by bitter disappointment when no such assistance was provided.

In summary, international law can sometimes exacerbate existing disputes or cause new ones. It can contribute to self-righteousness and international misunderstanding. The transatlantic disagreements over the International Criminal Court, and the US refusal to participate in certain other treaty regimes, are cases in point. The enforcement of international law, being almost always selective in character, leads unavoidably to accusations of “double standards”, which are made with predictable frequency. These accusations have particular salience in the North-South context. It is because of a perception that the International Criminal Court has unfairly targeted African countries that three of them – Burundi, Gambia and South Africa – have in late 2016 begun the process of withdrawing from the ICC. In 2017, the last two states rescinded their withdrawals.

International law issues mattered greatly in debates about the invasion and subsequent occupation of Iraq. Perceptions of illegality (under both *jus ad bellum* and *jus in bello*) contributed

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to opposition to the coalition operations in four distinct areas: (a) within Iraq, where certain predominantly Sunni Muslim movements and forces based their opposition to the occupation partly on its alleged illegality; (b) countries traditionally critical of the US, including China; (c) in the US and UK, where public opinion became more critical of the involvement; and (d) in other states, which as a result of legal and other doubts about the occupation were reluctant to provide forces for Iraq, even after the UN Security Council, in October 2003, re-designated them as the Multinational Force Iraq.¹⁷

International Law Issues in Iraq: “Jus ad Bellum”

As I have indicated, the US-led intervention in Iraq in March 2003 raised two types of issues about the lawfulness of this use of force. The first of these relates to the *jus ad bellum* – that part of international law that relates to the lawfulness of the resort to force. The UN Charter is frequently said by lawyers to create a situation in which states can use force only when it is in self-defence of a state which has been attacked, or when it is specifically authorized by the UN Security Council. This is valuable as a starting point, but in certain circumstances it may be too simple.

The 2003 invasion of Iraq raised in several forms the question of whether a state, having been authorized earlier by the UN Security Council to take an action, can claim continuing authority to take military action even in the absence of a new Security Council resolution. The idea of “continuing authority” is not in principle an empty argument, and it is likely to arise again at some point in the future. The problems in 2003 were threefold: firstly, the US, UK and coalition partners misinterpreted the intelligence relating to Iraq’s alleged stock of weapons of mass destruction; secondly, they failed to recognize the obvious point that, at least in the first instance, it is for the Security Council itself, and not for individual states, to determine whether or not the Council’s authorization should be revived;¹⁸ and thirdly, both the US and UK used the doctrine of “continuing authority” to engage in a more drastic military action – the invasion and occupation of the entire country – than anything that had been previously authorized by the UN

Security Council in relation to Iraq. The confusion on these three points contributed to a widespread perception that the US-led action was badly conceived, poorly planned, and not lawful under international law.

Application of Laws of War: “Jus in Bello”

The second set of legal issues related to the *jus in bello* – that body of law (traditionally called the Laws of War, and now more often called International Humanitarian Law) that deals with the actual conduct of armed forces during armed conflicts and military occupations. Here too there were some striking policy failures. I will mention just two, which deal with very long-established principles of the *jus in bello*: the conduct of military occupations, and the treatment of prisoners of war and detainees.

The failure of the US and UK governments to plan for the occupation of Iraq was the result of a curious combination of difficult circumstances and erroneous beliefs. In the UK, some in the Foreign and Commonwealth Office, especially in the office of the Legal Advisers, were indeed aware of the importance of this body of law.¹⁹ On the other hand, some were not, approaching in a more piecemeal manner the large and difficult question of how Iraq was to be governed.²⁰ The Chilcot Report shows that there was a failure within the UK government to be clear about this.²¹ Meanwhile, in the US, one of the many obstacles to serious planning was a tendency to doubt whether the law governing occupations was relevant to the task at hand. Paul Wolfowitz, US Deputy Secretary of Defense and a leading advocate of the intervention, exemplified this approach. In February 2003, shortly before the military action, he said: “We’re not talking about the occupation of Iraq. We’re talking about the liberation of Iraq. ... Therefore, when that regime is removed, we will find [the Iraqi population] basically welcoming us as liberators.”²² This is a classic example of the optimism of revolutionary invaders. Of course, both the US and the UK would have been entitled to worry that the body of international law relating to occupations is based on the general premise that the laws and political system of the occupied country should, as far as possible, be preserved. This core idea appears, at least superficially,

to be hard to square with a major aim of the invasion (especially for the US), which was precisely to change the governmental system in Iraq. The US and UK governments' failure to address the application of the law on occupations promptly and coherently was part of the larger failure to plan for the occupation phase.

A no less important failure to observe key provisions of the laws of war was the inadequate preparation from 2003 onwards for handling prisoners of war and detainees in Iraq. How such people are treated is always an issue of considerable practical importance in conflicts: maltreatment of the local population contributes to the growth of opposition. Cases of US mishandling of detainees in Iraq are well known and have led to several inquiries.²³ As for the UK, there was a noticeable decline from earlier UK performance. In the 1991 Gulf War, there was little or no complaint about UK handling of detainees. This was for a good reason: a designated Prisoner of War Guard Force consisting of no fewer than three infantry battalions was set aside to ensure correct treatment of what turned out to be very large numbers of Iraqi prisoners. In the occupation of Iraq from 2003 onwards, the picture was very different. This time there was no equivalent advance preparation for the treatment of detainees. The tragic events leading to the death of Mr Baha Mousa, a hotel receptionist, when he was in British custody in Basra in September 2003 – i.e. in the occupation phase of the UK role in Iraq – illustrate the point. *The Baha Mousa Public Inquiry Report*, published in 2011, is excellent both as an analysis of the facts, and as an exposition of the legal situation regarding the treatment of detained people. It was critical of UK Army training standards so far as the treatment of detainees was concerned.²⁴

By no means all accusations made against UK forces in Iraq were justified. In December 2014, the Al Sweady Inquiry, chaired by Sir Thayne Forbes, published its report on allegations of unlawful killing and ill-treatment of Iraqi nationals by British troops in Iraq beginning on 14 May 2004. This report concluded that all of the most serious allegations made against British soldiers in what became known as the Battle of Danny Boy and its aftermath were without foundation and were the product of deliberate lies, reckless speculation and ingrained hostility.²⁵ The report made

nine recommendations on matters where UK practices were unsatisfactory. Defence Secretary Michael Fallon accepted all of the recommendations in principle.

Postscript. The Al-Sweady report had major repercussions in 2017 that ended both one lawyer's career and one ministry's huge official investigation. On 2 February Mr Phil Shiner, a lawyer who had brought numerous cases against UK military personnel that had proved to be unfounded, having been charged at a tribunal of the Solicitors Regulation Authority, was found guilty of 22 professional misconduct charges, struck off as a solicitor, and ordered to pay a very large fine. On 10 February came a House of Commons Defence Sub-committee report that was highly critical of the Iraq Historic Allegations Team, an official body that had been set up by the Ministry of Defence in 2010 to investigate allegations of mistreatment and torture. On the same day, the Minister of Defence announced that IHAT would be closed.

Strategic Critique of 2003 War and Subsequent Role

Strategic considerations do not always point in the same direction as legal ones, but in Iraq from 2003 onwards they largely did – at least if one forgets the legal excesses exposed in 2017. In particular, four strategic considerations suggested that the decision to intervene in Iraq in 2003 was flawed, thus pointing to the same conclusion that many lawyers also reached.

Firstly, there is the obvious criticism that getting into a second war before the US and allies had finished the first (in Afghanistan) was not strategically brilliant.

Secondly, the lack of preparation, and indeed of any strategic plan, for the follow-up after the invasion phase proved hugely damaging. This was a typical example of a type of problem that was familiar in various European empires in the nineteenth and twentieth centuries. An invading army can depose a regime thanks to superior military force, but to find a legitimate replacement is extremely difficult, especially if the replacement figures are perceived to be “collaborators”.

Thirdly, it was problematic to intervene in a country to create a democratic system there, when the likely consequence, granted

that Iraq has a majority Shi'a population, was to bring Iraq closer to Iran.

Fourthly, the failures of the Iraq involvement, and the questions about lawfulness that it raised, have had the serious strategic consequence of leaving Western publics reluctant to authorise any major "boots on the ground" operations in the whole area of the Middle East and North Africa. This has affected the prospects of initiating military operations not only by coalitions of the willing (which are now not so willing), but also by UN peacekeeping forces, which have had difficult military tasks assigned to them but are not always able to find the best troops for those tasks.

Conclusion

The Iraq war has had many consequences for the ways in which the UK thinks about, and makes plans for, overseas military action. Some of the most important changes have been administrative rather than doctrinal. It contributed to the establishment in 2007 of the Stabilisation Unit, an agency of the UK government that aims to support fragile and conflict-affected states. It also contributed to the establishment (on 12 May 2010) of the National Security Council of the UK. These were largely responses to the casual nature of government decision-making over Iraq, and the lack of effective co-ordination between Whitehall ministries. The countless other changes that have been recommended in the various reports mentioned in this short paper could not possibly be listed here. I return to the question with which I started.

Why, in the events leading to the intervention of 2003, did academics read the Iraq question better than government decision-makers? There are many possible explanations. An obvious one is that academics tend to believe that policy should be evidence-based:

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they were profoundly suspicious of official dossiers claiming that there were massive Iraqi programmes for weapons of mass destruction, but providing no convincing evidence. Perhaps a deeper and more persuasive reason is a sense of history. Academics

generally (and not just historians) tend to think about problems historically, and to understand the subtle and important differences between political cultures. They therefore tend to understand the difficulties of transforming foreign political systems, however dysfunctional they may be. International lawyers, too, have a sense of the enduring importance of international legal rules, and are reluctant to see them evaded or ignored. By contrast, both the UK and US governments were led in 2003 by individuals – Tony Blair and George W. Bush – who had very limited knowledge of history, and who inclined to the belief that we are in a totally new world, where many of the old rules are no longer relevant.

At the risk of simplifying a complex picture, I am tempted to conclude that when political leaders neglect or simplify the history of the countries with which they are dealing, history has a nasty way of coming back and biting them. When law and strategic understanding are both downgraded, serious mistakes will indeed be made. However, it would be wrong to imply that the three approaches mentioned here – history, international law and strategic studies – all emerge from the story held in proper respect, and seen as operating in harmony. There are always tensions between these ways of thinking about international politics. There is also some impatience in the UK about the application of various international legal regimes to the actions of armed forces. With the UN system exposed as weak by events in Ukraine and Syria, academics and policy-makers alike – and not just in the UK – face a continuing challenge to maintain the importance and contemporary relevance of the three subject-areas that are key to understanding the security problems that the world faces in the twenty-first century.

¹ The Oxford University Leverhulme Programme on the Changing Character of War began its operations in January 2004 following a bid submitted by Oxford University to the Leverhulme Foundation in November 2002. The plans, although they were drawn up several months before the US-led invasion of Iraq in 2003, had concentrated on a range of issues connected with military interventions. This programme is continuing.

² *Stability Operations in Iraq (Op Telic 2-5): An Analysis from a Land Perspective*, covering the period May 2003 to 31 January 2005, p. 1, available at http://operationtelic.co.uk/?page_id=66.

³ Sir William Gage (chair), *The Baha Mousa Public Inquiry Report*, 3 vols., September 2011 (HC 1452-1), available at <http://webarchive.nationalarchives.gov.uk/20120215203912/http://www.baham-ousainquiry.org/report/index.htm>.

⁴ *Report of the Public Inquiry into Allegations of Unlawful Killing and Ill-treatment of Iraqi Nationals by British Troops in Iraq in 2004 (Al-Sweady Inquiry)*, 2 vols., December 2014 (HC 819), available at <https://www.gov.uk/government/publications/al-sweady-inquiry-report>.

⁵ Sir John Chilcot (chair), *The Report of the Iraq Inquiry*, 12 vols., July 2016 (HC 264), available at <http://www.iraqinquiry.org.uk/the-report/>.

⁶ *Operations in Iraq, January 2005–May 2009 (Op Telic 5–13), An Analysis from the Land Perspective*, 29 November 2010. Following publication of the Chilcot Report in 2016, this report was declassified. The redacted version is available at http://operationtelic.co.uk/?page_id=66.

⁷ YouGov polls conducted in UK between 2001 and June 2015. For the full Iraq tracker and full poll results, see <https://yougov.co.uk/news/2015/06/03/remembering-iraq/>. Of course, some of those polled in 2003 will have died by 2015, but that cannot alone explain the discrepancy between the figures.

⁸ See e.g. letter from sixteen teachers of international law, *The Guardian*, London, posted on March 7, 2003, <https://www.theguardian.com/politics/2003/mar/07/highereducation.iraq>.

⁹ Matt Seaton, “Blast from the Past”, *The Guardian*, posted on 19 February 2003, available at <https://www.theguardian.com/world/2003/feb/19/iraq.artsandhumanities>.

¹⁰ Most of my submissions are mentioned on my web page at the Department of Politics and International Relations at Oxford University: <http://www.politics.ox.ac.uk/associates/adam-roberts.html>.

¹¹ Chilcot Report, Executive Summary, paragraph 54.

¹² UK Government, *The Strategic Defence Review: A New Chapter*, 2 vols., July 2002 (Cm. 5566), available at <https://web.archive.org/web/20060201034810/http://www.mod.uk/issues/sdr/newchapter.htm>.

¹³ The House of Commons Defence Committee’s report on *A New Chapter to the Strategic Defence Review* was published on 15 May 2003 (HC 93 I and II). It included my memorandum of 28 October 2002 and much other evidence. Available at <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmdfence/93/9302.htm>.

¹⁴ The House of Commons debate of 30 November 2016 on the Chilcot Inquiry and Parliamentary Accountability is available at <https://hansard.parliament.uk/commons/2016-11-30/debates/16113047000001/ChilcotInquiryAndParliamentaryAccountability>.

¹⁵ *Keesings Record of World Events 1995*, pp. 40447–8; British Sea Fishing website, “The Turbot War”, <http://britishseafishing.co.uk/the-turbot-war/>; ICJ Judgment of 4 December 1998, <http://www.icj-cij.org/docket/files/96/7533.pdf>; and “Court backs Canada’s seizure of trawler during ‘turbot war’”, CBC News, Canada, <http://www.cbc.ca/news/canada/court-backs-canada-s-seizure-of-trawler-during-turbot-war-1.533565>.

¹⁶ “2005 World Summit Outcome” (September 16, 2005), UN doc. A/RES/60/1 of 24 October

2005, Article 139.

¹⁷ UN Security Council resolution 1511 of October 16, 2003.

¹⁸ Sir Michael Wood, who was the FCO Legal Adviser from 1999 to 2006, and who considered that the use of force against Iraq in March 2003 was contrary to international law, emphasized the Security Council's responsibility in this matter in his Statement to the Iraq Inquiry, 15 January 2010, paragraphs 11 and 15.

¹⁹ See e.g., "The Rights and Responsibilities of Occupying Powers: Second Statement by Sir Michael Wood", 28 January 2010, submission to the Iraq Inquiry.

²⁰ See e.g. oral evidence of Stephen Pattison, head of the United Nations department at the FCO until June 2003, to the Chilcot Inquiry, 31 January 2011, p. 5.

²¹ Chilcot Report, Executive Summary, paragraphs 590-704.

²² Paul Wolfowitz, Interview with Melissa Block, National Public Radio, 19 February 2003.

²³ See e.g. the report by General Antonio M. Taguba on the treatment of detainees at the Abu Ghraib prison in Iraq, issued in May 2004 and widely disseminated despite its official status as secret. Available at: <https://fas.org/irp/agency/dod/taguba.pdf>.

²⁴ *The Baha Mousa Inquiry Report*, for example in Recommendations 22 to 26.

²⁵ *The Al-Sweady Inquiry Report*, Executive Summary, paragraph 740.