



**QUEEN'S
UNIVERSITY
BELFAST**

How Tony Blair, Jack Straw and Lord Goldsmith come out of the Chilcot Report

Moosavian, R., & Mallory, C. (2016). How Tony Blair, Jack Straw and Lord Goldsmith come out of the Chilcot Report. *The Conversation*. <https://theconversation.com/how-tony-blair-jack-straw-and-lord-goldsmith-come-out-of-the-chilcot-report-62252>

Published in:
The Conversation

Document Version:
Publisher's PDF, also known as Version of record

Queen's University Belfast - Research Portal:
[Link to publication record in Queen's University Belfast Research Portal](#)

Publisher rights

Copyright 2016 The Authors.

This is an open access article published under a Creative Commons Attribution-NoDerivatives License

(<https://creativecommons.org/licenses/by-nd/4.0/>), which permits reproduction and redistribute in any medium, provided the author and source are cited and any subsequent modifications are not distributed.

General rights

Copyright for the publications made accessible via the Queen's University Belfast Research Portal is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

Take down policy

The Research Portal is Queen's institutional repository that provides access to Queen's research output. Every effort has been made to ensure that content in the Research Portal does not infringe any person's rights, or applicable UK laws. If you discover content in the Research Portal that you believe breaches copyright or violates any law, please contact openaccess@qub.ac.uk.

Open Access

This research has been made openly available by Queen's academics and its Open Research team. We would love to hear how access to this research benefits you. – Share your feedback with us: <http://go.qub.ac.uk/oa-feedback>

How Tony Blair, Jack Straw and Lord Goldsmith come out of the Chilcot Report

Published: July 19, 2016 9.40am BST

Rebecca Moosavian

Senior Lecturer, Northumbria Law School, Northumbria University, Newcastle

Conall Mallory

Senior Lecturer in Law, Northumbria Law School, Northumbria University, Newcastle



Get stuck in. EPA/Dan Kitwood

Seven years after the Iraq Inquiry (known as the Chilcot Inquiry) began its work, its report finally provided a critical but balanced analysis. At 2.6m words, it at last provides as thorough a document as we've had of how Britain's leading politicians and officials behaved in the lead up to the Iraq War.

While the report criticises numerous individuals for their role in the military venture, in light of an extended parliamentary debate on the report's findings, it's worth focusing on three of the key British players who come within Chilcot's cross-hairs: an overambitious prime minister, a loyal but reticent foreign secretary, and an attorney general upon whose legal advice the invasion hinged.

The prime minister: Tony Blair

Though the report does not conclude that Blair deliberately lied about the basis for war, it makes a number of damaging criticisms of him across a range of areas. In Iraq War-era parlance, there is no "smoking.gun" – but there are many spent cartridges.

The three key areas are intelligence, the cabinet, and post-conflict planning.

The notion that Iraq posed a threat to Western interests was a crucial aspect of the case for war, but Chilcot suggests that the threat was neither imminent nor based on indisputable evidence. The animating theme of his account is groupthink; Blair (and others around him) became convinced that Iraq had WMDs, and intelligence that was qualified, contingent or limited somehow ended up being considered as concrete.

This attitude is epitomised by Blair's presentation of the later-discredited September 2002 dossier on Iraqi WMDs. The inquiry found that Blair's foreword to the dossier, which claimed the intelligence established "beyond doubt" that Saddam Hussein had continued to produce chemical and biological weapons and was still pursuing the development of nuclear weapons, was unsustainable – as was his accompanying parliamentary statement that Iraq's programme was active, detailed and growing.



The true believer. Stefan Rousseau/PA

Blair's personal belief about the strength of intelligence regarding Iraqi WMDs is stressed by various key aides. Chilcot seems to imply that a form of groupthink was at play here. Yet the consequences were the same, even if they resulted from Blair's self-deception rather than a deliberate deception of the public.

Chilcot also reveals failures of cabinet government that inevitably fall under Blair's remit. The evidence gathered by the inquiry does suggest that Blair's particular premiership style sidelined cabinet in the lead up to war.

In his evidence the then cabinet secretary, Lord Turnbull, suggested that substantive discussion and decision-making in cabinet was limited, and that ministers ended up sharing responsibility for a policy in which they had little meaningful input. The report suggested that a more informed cabinet debate could have meant policy was tested and potential problems identified.

Blair comes in for the most caustic criticism on the war's "wholly inadequate" post-conflict planning. The report highlighted the prime minister's startling optimism and complacency about the post-conflict phase, even after being warned of foreseeable risks such as internal Iraqi conflict and "rudimentary" US planning.

The report listed a catalogue of specific failures: to establish clear ministerial oversight of post-conflict planning, to consider alternative or worst case scenarios, and to press the US for firm assurances about this phase.

The foreign secretary: Jack Straw

While much of the report's attention is naturally focused on Blair, his then foreign secretary, Jack Straw, also comes in for considerable criticism.

While he's acknowledged to have had serious reservations about the conflict, which he feared could be "a long and unsuccessful war", Chilcot implicated Straw in several crucial decisions.

One particularly illustrative episode concerns the construction of the message that it was Iraq, and not North Korea, Libya or Iran, that posed the most urgent threat to the West. When a draft paper outlining these countries of concern was circulated in March 2002, Straw commented that the paper needed to "show why there is an exceptional threat from Iraq", saying that it didn't quite do that yet.

The report found that he followed this by deciding that it was necessary that the UK issued a paper on Iraq before those other countries, and only when he was advised that the evidence would not sufficiently affect public opinion did he pull back.

Jack Straw argues for the war in February 2003. PA

The Straw this episode describes is very different to the deliberative and thoughtful politician who gave evidence to the inquiry in public. Instead, the report portrays a determined foreign secretary who rejected legal advice from senior Foreign Office lawyers that the war would be illegal without a further UN Security Council resolution.

Perhaps even more damning are Chilcot's findings on Straw's role in the key diplomatic period of early 2003, and in particular on the failure to influence post-conflict planning.

Going into the conflict, the UK had envisaged the UN taking a central role in running post-conflict Iraq, but that plan evidently met with major opposition from the US. The report directly criticises Straw for his failure to consider different options available to the UK should the plan for a UN-led post-conflict Iraq fall through.

The report also specifically cited the missed opportunity of "making UK participation in military action conditional on a satisfactory post-conflict plan". This is particularly damning in a report that includes the wider statement that "most of what went wrong stemmed from a lack of preparation".

The attorney general: Lord Goldsmith

Though the report doesn't single out Lord Goldsmith for major criticism, it still alludes to selected shortcomings. These are particularly important since Goldsmith was a crucial player, and the deployment of UK troops depended upon his legal approval.

The evidence gathered by the inquiry is replete with fascinating detail about the processes surrounding the creation of Goldsmith's advice, and offers ample basis for the criticism that the legal process in the run up to war was "far from satisfactory".

Overall, Goldsmith's Iraq-era conduct reads nearly like a tale of two different lawyers. Throughout 2002 and until the end of January 2003, it seemed he was a fearless lawyer speaking truth to power. He repeatedly advised Blair that the use of force in Iraq (as things stood) would not be internationally lawful. Despite being repeatedly discouraged by key insiders (including Straw and Number 10 aide Jonathan Powell) from providing written legal advice, Goldsmith did so on two occasions, in July 2002 and January 2003. He has claimed his advice was "not terribly welcome".

Yet Goldsmith's assertiveness during this period varied a lot. Elsewhere in the report, Chilcot found that he could have expressed his views more forcefully during the UN resolution 1441 negotiations from which he was marginalised.

Lord Goldsmith: a tale of two halves. PA

Then there was the Goldsmith who ultimately fell into line and provided the legal "green light" for a war ordered by the prime minister who appointed him. There has long been speculation as to whether Goldsmith was pressured by key players to change his advice, but the report does not reveal any evidence of this.

For his part, Goldsmith admitted in his evidence to Chilcot that he changed his view of the law between mid-February and March 2003 as a result of papers exchanged and discussions held with US negotiators, who gave him information about the negotiating background to UN Security Council Resolution 1441.

Goldsmith's advice of March 7 2003 stated that there was a reasonable case that war would be legal, though his argument was complex and contained important qualifications. Yet over the next few days, this tentative advice was redrafted into a much briefer and less equivocal statement of law. It was this version upon which both cabinet and parliament based their decisions to go to war.

Chilcot claims that Goldsmith's full advice should have been provided to cabinet given the gravity of the decision. He is also critical of the fact that this advice required Blair, rather than the UN Security Council, to confirm that Iraq was in "material breach" of UN resolutions.

Chilcot seizes on a final, bitter irony: that the invasion was the only phase of the Iraq venture that could arguably be deemed a “success”, since a decisive victory was achieved within six weeks. Yet this feat, such as it is, will be forever overshadowed by the high-risk political manoeuvres and constitutional subversion leading up to military engagement, and the woeful, avoidable failures to plan for its aftermath.

And now Chilcot’s all-but-definitive document is being properly processed, it seems Blair, Straw and Goldsmith’s names will forever top the British side of the ledger.