

# Blair blocked legal advice on invasion of Iraq

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Alastair Campbell, former director of communication for Labour Party Prime Minister Tony Blair, has revealed in the latest volume of published diaries that Blair blocked the attorney general from giving the UK government his view on the legality of the US-led war against Iraq.

As attorney general, Lord Peter Goldsmith was the government's senior legal adviser. He had originally counselled in the lead up to the March 2003 invasion of Iraq that he believed it would have been "safer" to get a second United Nations resolution. In a draft opinion given to Blair in January 2003, Goldsmith expressed serious reservations about the legality of military action. In February 2003 Goldsmith advised the "safest legal course" was to gain fresh UN approval for military action.

He maintained this position until March, the month of the invasion. In his original 13-page legal opinion, Goldsmith told Blair on March 7, 2003 that there was a "reasonable case" in favour of military action but also advised "there was also a case to be made the other way".

On March 13, 2003, he informed the cabinet that military action was justified by UN resolution 1441, approved in November 2002. This gave Saddam Hussein a "final opportunity" to comply with UN resolutions dating back to the first Gulf War in 1991.

Campbell's diaries state that Goldsmith told Blair he did not want him to "present it too positively" in favour of military action because there was a "case to be made the other way".

His entry on March 7 reads, "TB [Tony Blair] also made it clear he did not particularly want Goldsmith to launch a detailed discussion at Cabinet, though it would have to happen at some time, and ministers would want to cross-examine. With the mood as it was, and with Robin [Cook] and Clare [Short] [former cabinet ministers] operating as they were, he knew if there was

any nuance at all, they would be straight out saying the advice was that it was not legal, the AG [Attorney General] was casting doubt on the legal basis for war. Peter Goldsmith was clear that though a lot depended on what happened, he was casting doubt in some circumstances and if Cabinet had to approve the policy of going to war, he had to be able to put the reality to them."

Campbell adds that at a meeting four days later involving Blair, his political secretary Sally Morgan, and other close aides, the decision was taken not to allow Goldsmith to present his views to cabinet: "Sally said it was for TB [Tony Blair] to speak to Cabinet, and act on the AG's advice. He would simply say the advice said there was a reasonable case."

It was after this meeting that Goldsmith produced a new, one-page legal opinion which put the "reasonable case" for war. This was discussed by the cabinet and used by Blair in parliament, which voted for military action. The invasion of Iraq began days later on March 20, 2003.

Campbell's diary entry provides further proof that Blair blocked the cabinet from being fully conversant with legal advice from the government's senior lawyer, which questioned the legality of an invasion of another sovereign nation. Campbell, Blair and Goldsmith have all appeared before the Chilcot inquiry on the Iraq war. Under its chairman, Sir John Chilcot, the inquiry was given the go-ahead in June 2009 by Blair's successor as Labour prime minister, Gordon Brown.

Brown ensured it had no real independence and its remit was limited to establishing the "lessons that can be learned" regarding British involvement in the war. No-one was placed under oath at the inquiry, with witnesses including Blair and Campbell able to spend hours providing self-serving statements, without any challenge.

Years later, Chilcot has finished taking evidence and

is still preparing his final report.

Critical documents have not been made available to the inquiry, as it is the government that has final say on what can be made public and which documents can be handed over. This has resulted in a blanket ban on crucial documents being discussed by those giving evidence, including Goldsmith himself, whose legal advice provided the immediate justification for going to war.

Appearing before Chilcot in January 2010, Goldsmith said he did not agree with the decision not to publish some documents relating to the legal basis for the war. He told Chilcot that he left it so late to provide a definitive statement giving a legal justification for war because the armed forces required an “unequivocal” judgment before an invasion began. Goldsmith denied that in doing so, he had come under political pressure from the Labour government or the United States to change his opinion. The evidence provided by Campbell in his diaries contradicts that claim.

The response of the media to Campbell’s diary entry is instructive. A *Guardian* article June 15 excerpted sections of the diary dealing with the run-up to the Iraq war, but did not include what Campbell revealed about Goldsmith being blocked from putting his full opinion. Reviews of the Campbell book by the *Guardian* and its sister Sunday title, the *Observer*, have made nothing of these revelations.

Aside from the *Independent*, which has merely called for the Chilcot Inquiry to be re-opened in order to question Campbell, Blair, and Goldsmith on Campbell’s recollection, only the *Daily Mail* has even reported the matter.

Due to the role of the media in relegating the issue of the illegal invasion of Iraq—a war that has claimed the lives of over one million Iraqis—to a sideshow, Blair has yet again been able to brazen out his role in preparing and planning this criminal enterprise. In an interview on the BBC’s Andrew Marr show Sunday, he cited his own appearance before the Chilcot Inquiry stating, “It’s not true. And, what’s more, we went through this at the Chilcot Inquiry, I mean literally ad infinitum.”

Campbell has sought to play down the events recorded in his diary and said that Goldsmith did address cabinet after the meeting he had referred to. Describing the *Independent*’s decision to draw attention to the entry as a “non-story”, he said when

Goldsmith was later “questioned by the Cabinet, as I record later in the diary, he said lawyers all over the world have doubts but he was confident in his position that Resolution 1441 gave legal authority for the use of force by reactivating prior resolutions.”

Such a disregard for international law, established in the aftermath of the Second World War in response to the wars of aggression launched by the Nazi regime, underpinned the imperialist onslaught against Iraq.

It is a matter of record that two Foreign Office lawyers, Sir Michael Wood and Elizabeth Wilmshurst, had informed the Blair government that a war would be a “crime of aggression” without UN approval. The legal stance of Woods and Wilmshurst was not only their own position, but the view of the entire Foreign Office legal team.

Woods and Wilmshurst testified before Chilcot, with Woods stating, “I considered that the use of force against Iraq in March 2003 was contrary to international law. In my opinion, that use of force had not been authorised by the Security Council, and had no other basis in international law.”

Woods said that when he told then-Foreign Minister Jack Straw his views, he was given short shrift. Wilmshurst was Woods’ deputy at the Foreign Office and resigned when her advice that the invasion of Iraq would be illegal was ignored.

The Davids Commission held in 2010, which investigated the role of the Netherlands in the Iraq war, concluded that the invasion violated international law, stating there was “insufficient legitimacy” for the war. Regarding UN Resolution 1441, used by Goldsmith to legally give the green light for war, the commission found that the resolution “cannot reasonably be interpreted as authorising individual member states to use military force to compel Iraq to comply with the Security Council’s resolutions.”



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