Written evidence from Professor Jason Ralph, Professor of International Relations at the University of Leeds and Senior Research Associate at the Foreign Policy Centre (USA 05)

Executive Summary

- This evidence shows the importance of the UN process to Government efforts to legitimise UK interventions.
- The present government has adopted a Blairite Atlanticist approach which prioritises support for the US, as a force for good in international society, over UN procedures. This is not necessarily illegitimate but it does carry legitimacy costs.
- This was not revealed by the Libya crisis but it was on display during the Syria crisis of August 2013.
- The Government need not support unauthorized US action to maintain ‘the special relationship’. UK policy can reconcile its commitment to international law and the US by framing its commitment to the UN in terms of values – such as checks and balances - that are quintessentially American.

About the Author

Jason Ralph is Professor of International Relations at the University of Leeds and Senior Research Associate at the Foreign Policy Centre. This evidence is based on research funded by a British Academy Mid-Career Fellowship. The interpretation of the evidence is that of Professor Ralph and not necessarily that of the British Academy. He acknowledges the assistance of Benedict Docherty.

Evidence

1. The purpose of this submission is to address the fourth question of the Committee’s call of 18 July 2013, namely “how, in its relations with the US, the UK can build on the lessons of post-2001 interventions involving both states in third countries”.

2. There are many aspects to international intervention but the focus here will be on the legitimacy of the post-2001 cases. Two lessons stand out: the UN process should be central to the government’s international and national legitimisation strategy; and the Government need not support unauthorized US action in order to maintain the special relationship. UK policy can reconcile its commitment to international law and the US by framing its commitment to the UN in terms of values that are quintessentially American. There are three sections to the submission.

3. The first focuses on the lessons of the 2002-3 Iraq crisis. The evidence demonstrates that the Conservative Party under David Cameron acknowledged the importance of UN authorization but maintained what I have called a ‘Blairite Atlanticist’ critique of the UN.\footnote{Jason Ralph, ‘No longer special? Britain and the United States’ 
International Politics 50 (2013) pp.333-59.} This supports the US, even when it is opposed by the Security Council, not simply because there is a national interest in maintaining the “special relationship” but because it takes the view that effective solutions to international problems require US involvement. The section
cites political theory to show this view is not necessarily illegitimate. However, the section also cites polling data to demonstrate that this view is out of step with British public opinion. In this respect, the recent public and Parliamentary reaction to an unauthorized US strike against Syria could have been anticipated.

4. The second section focuses on the legitimacy of the 2011 Libyan intervention. The Government’s underlying Blairite Atlanticism was not revealed by this crisis because the US was keen to gain UN approval, and because military action to protect civilians was authorized by the Security Council. There was, in other words, an overlap between the procedural / legalistic requirements of legitimacy (i.e. the UN should authorize force) and the substantive / political requirements of legitimacy (i.e. the US should be supported because it delivers morally effective outcomes). The charge that the UK and its allies went beyond the UN mandate is discussed. Further lessons can be drawn from this and they are important for understanding the Syrian crisis.

5. The third section focuses on the August 2013 Syrian crisis. Strictly speaking this is outside the remit of the Committee’s call. At the time of writing an intervention had not taken place. Evidence concerning the Syrian crisis has been included however because it is important to the Committee’s interests. The Government’s Blairite Atlanticism was revealed when it chose to support US military action without UN authorization. Again, political theory can support the claim that this was not necessarily illegitimate. There are, however, legitimacy costs to appearing to commit to military action before a UN vote. This was the lesson of previous interventions but still the Government incurred such costs.

6. This section also submits evidence on the “special relationship”. This demonstrates Parliament has not damaged US-UK relations. There are, however, grounds for viewing that relationship in a different light. This section shows how the UK can protect the special relationship by framing its support for the UN in terms of the UK’s commitment to America’s founding principles.

Lessons of Iraq before Libya.

7. In his September 2006 speech David Cameron addressed the relationship between the procedural / legalist and substantive / political aspects of legitimacy.

In deciding the most appropriate instrument for action, we will need to balance two factors: legitimacy, and effectiveness. These factors tend to work in opposite directions. The United Nations, for example, confers the ultimate legitimacy on any multilateral action. But the very process of securing that legitimacy can undermine its effectiveness – as we saw, for example, in the Balkans. … [L]egitimacy means more than going through the right channels.

8. Despite efforts to distance ‘liberal conservatism’ from Tony Blair’s brand of ‘liberal interventionism’, this statement mirrors the Blairite critique of the Security Council. The

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3 Lecture at the British American Project, 11 September 2006
http://news.bbc.co.uk/1/hi/uk_politics/5336082.stm
‘right thing to do’ exists independent of UN deliberations. Furthermore, Cameron stated that ‘effectiveness’ often meant supporting the US. To be certain, Cameron sought to revive ‘the best traditions of the special relationship’, which involved adopting the critical stance of the ‘long-standing friend [who] will tell you the truth, confident that the friendship will survive’. The point here, however, is that in deciding what the ‘truth’ is, Cameron, like Blair, was willing to dismiss the relevance of UN procedures.

9. This is not necessarily illegitimate. The Kosovo Commission for instance drew a distinction between legality and legitimacy and concluded NATO’s intervention, which was not authorized by a Security Council resolution, was ‘illegal but legitimate’ (see para.18). There is also a longstanding argument in political theory that accepts legitimacy might be bestowed on those that are qualified to make a judgment of what is in the common interest and have the capacities to deliver outcomes that serve that. The claim of Blairite Atlanticism is that the US is uniquely placed in this regard. It is a democracy and ‘a force for good’ in the world and its material capacities are unrivalled. But the Committee should be aware that this reflects a ‘hierarchical’ view of international legitimacy and that is not necessarily consistent with the ‘equalitarian’ principles that define liberal international society.

10. Political theorist Christian Reus-Smit writes, for instance, that the proponents of liberal hierarchy do in fact ‘contradict the foundational tenets of liberalism by promoting a reconjoining of right and might’. His argument against enabling a single state or a ‘community of democracies’ to authorise force is grounded on this principled objection. He reinforces his argument with practical reasons (e.g. who speaks for such a community) and prudential concerns (e.g. how will the excluded state respond and do democratic states have the will and capacity to go it alone). The same arguments could be applied to oppose Blairite Atlanticism.

11. The importance of the UN to liberal theories of legitimacy is complemented by support for that institution among the British public. Polls following the Iraq invasion showed support for the view that the UK should not have supported the US without the UN backing. More recently Graeme Davies (Leeds) and Rob Johns (Essex) discovered that 72% supported military action with UN backing. Only 30% supported military action with US backing, which was 1% lower than those that supported unilateral action. They conclude: ‘Respondent’s reasoning can only be inferred but it seems highly likely that this reflects popular doubts about the legitimacy of recent US-led coalition action, notably in Iraq’.

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8 Ralph ‘No longer special?’
9 Between March 28th and 30th 2003 a poll for Populus revealed 61% agreed with the statement the UK should not have gone to war without UN backing. Between June 5th and 7th 2007 a Channel 4/You Gov poll showed only 22% agreed that there were times the UK should send troops abroad to defeat tyranny within another country without UN. This figure went up to 51% with UN backing.
12. The lessons of Iraq were evident in David Cameron’s 2006 description of ‘liberal conservatism’. But its underlying Blairite Atlanticism meant it would potentially bear considerable legitimacy and political costs.

Lessons of Libya before Syria.

13. Data on the Libya intervention support Davies and Johns’ findings. A November 2011 poll showed 67% of Britons believed UN approval was necessary before using force.\textsuperscript{11} This can partly explain why the political costs of the Libya operation were not prohibitive, despite general scepticism about intervention.\textsuperscript{12} The Libyan intervention was authorized by Resolution 1973 and Parliament supported it. This evidence confirms the importance of UN approval to Government legitimisation strategies.

14. There is another lesson to draw. Resolution 1973 authorized a protection of civilians (POC) mission. During the operation the BRICS states accused the P3 (France, UK, US) of ‘going beyond the mandate’ to force regime change.\textsuperscript{13} This accusation is not entirely justified. It is not clear how the POC mandate could have been fulfilled without weakening the Gaddafi regime. Regime change in this sense was a consequence of the military operation without necessarily being its intention.\textsuperscript{14} Yet the accusations did have political consequences. Russia may have had specific reasons for blocking UN resolutions condemning the Syrian regime, and it may have used its veto regardless of what happened in Libya, but the narrative that NATO went ‘beyond the mandate’ helped it to mobilise international support.

15. The lesson to draw from this is not that UK support for force against Libya was unjustified. The Defence Committee is on strong ground when it rejects the implication that the UK should have not acted in Libya because that made it impossible for the international community to respond decisively to other situations.\textsuperscript{15} However, the Defence Committee also warns that ‘the Government failed to ensure that its communication strategy was effective in setting out the aims of the operation’.\textsuperscript{16} Its focus was the British public, but the same might be said of Government communication with other parts of ‘the social constituency of

\textsuperscript{10}‘Foreign policy attitudes and support for war among the British public’, ESRC Grant ES-062-23-1952-A, April 2012, http://www.esrc.ac.uk.


\textsuperscript{13}United Nations, S/PV6531 10 May 2011. See also concern about regime change among the British public. On March 21\textsuperscript{st} a Sun/YouGov poll indicated that only 30% thought military action should attempt to remove Gaddafi, while 56% thought military action should do only what was necessary to protect civilians.


\textsuperscript{16}\textit{Operations in Libya}, para.34.
legitimation’, namely international society.¹⁷ Brazil’s Responsibility While Protecting (RWP) initiative speaks to this communication problem.¹⁸ The lesson, therefore, is this: even when US-UK actions are authorized by the UN the UK can avoid legitimacy costs by effectively communicating beyond the P3.

**The Syria crisis**

16. The lesson of Iraq and Libya is that the UN process should be central to the Government’s legitimation strategy. This was further demonstrated by the Syria crisis of August 2013. Set against the above evidence it is likely that the government’s apparent willingness to bypass the UN would have compounded the public’s and Parliament’s concern about supporting the US.¹⁹ The perceived weakness of the government’s legal advice also helped to create the political atmosphere of the Iraq crisis.²⁰

17. Again, by-passing the UN is not necessarily illegitimate but the Government did seemingly recognise the associated costs. Its motion insisted ‘every effort should be made to secure a Security Council Resolution backing military action’. It was not clear, however, on what that meant in practice. By stressing the need for a UN vote Labour’s motion was more specific.²¹

18. The need for a UN vote was a lesson of previous interventions. The UK decision to invade Iraq lacked international legitimacy because it could not muster majority support at the Security Council. Its decision to use force on Kosovo could more easily claim legitimacy because a Security Council vote showed that Russia was isolated and a majority supported NATO. With majority support the UK could claim it was by-passing an unreasonable veto and not by-passing the Security Council.²² This it seems is less troubling to the British public.²³ By not being clear that the Security Council would vote on force against Syria, the Government showed it had not learned this lesson.

19. If the UN process is central to successful legitimation strategies how can the Government square this with a commitment to the special relationship when the US bypasses the Security Council? Before answering that the Committee should decide which part of the special

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¹⁹ The Foreign Secretary stated that an intervention could be lawful without UN approval on 26 August. See Nicholas Watt, ‘Syria: UK and US move closer to intervention’, *The Guardian* 26 August 2013 http://www.theguardian.com/world/2013/aug/26/syria-uk-us-intervention. However, a 3rd September Ipsos Mori poll showed 71% opposed taking military action without UN approval.
²¹ See Jason Ralph, ‘The vote was not British isolationism’, *Foreign Policy Center Briefing* September 2013 http://fpc.org.uk/fsblob/1566.pdf
²³ In a Jonathan Dimbleby/Yougov poll of March 14ᵗʰ – 16ᵗʰ 2003 54% supported the view that the UK should still contribute troops to US-led military action if a vetoed Security Council resolution was supported by a majority. Only 32% backed such action if it was not supported by a majority.
relationship it is addressing. The argument that the UK damages its interests by disagreeing with the US usually sees the relationship in terms that relate to intelligence sharing. The Committee will know better if those specific interests have been damaged.

20. Any calculation of the consequences for the UK should however be made with reference to broader conceptions of the special relationship, as well as changing conceptions of the national interest. The Foreign Affairs Committee concluded in 2010, for instance, that the special relationship is ‘broad and deep’ and founded on shared values.\(^{24}\) An important aspect of those shared values is the principle of checks and balances. Indeed, there is evidence to support a conclusion that Parliament had a profound influence on the US decision-making in August 2013 by acting on this principle.\(^{25}\) The lesson here is that it is not necessary to stand ‘shoulder-to-shoulder’ with the executive to have influence. The special relationship can be embodied in other institutions.

21. The UK’s image in the US has not been harmed.\(^{26}\) Even if it had, history shows the special relationship survives disagreement (e.g. Suez, Vietnam). The British public too is not unduly concerned. 72% disagreed with the view that the relationship would be harmed by the vote.\(^{27}\) A separate point can be made to reinforce the policy implication. Recent British foreign policy expressed its desire to forge ‘new special relationships’ with Brazil and India, states that have expressed the importance of the UN. If support for the UN damages US-UK relations this can be balanced by the benefits that accrue from improved relations with emerging powers.

22. The concluding lesson is that there are strong reasons for placing the UN at the centre of the Government’s legitimation strategy. This is the case when speaking to national and international audiences. Where this means disagreeing with the US, the UK can appeal to shared values - in particular the principle of checks and balances - to defend itself against any charge of anti-Americanism.

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\(^{25}\) Chuck Todd reported on NBC’s Meet The Press 1 September 2013 that Cameron’s defeat had a strong impact on Obama http://www.nbcnews.com/id/52898657/ns/meet_the_press-transcripts/. In an NBC/Hart poll of 30 August 79% said Obama required Congressional approval. Note that 59% of the American public thought the US should get a UN resolution before using force. Pew Research August 29th-1st September 2013.


\(^{27}\) BBC/ICM poll 30th August – 1st September 2013.