Preface

At the end of the Second World War a new world order was crafted, based on the United Nations and the prohibition of military force in international relations. Despite these developments, British troops have been regularly deployed around the globe since 1945: most notably to Korea, the Suez Canal, Cyprus, and the Falklands during the Cold War; and Kuwait, Bosnia, Kosovo, Afghanistan and Iraq since the fall of the Berlin Wall. This book considers the different constitutional frameworks operating at national and international levels, within which troop deployments are made by the British government, and assesses whether mechanisms of democratic accountability can contribute to upholding international law.

The inspiration for this book came from the American Society of International Law project which led to the publication of a book in 2003, edited by the project leaders Charlotte Ku and the late Harold Jacobson, entitled Democratic Accountability and the Use of Force in International Law. In contributing to the project and writing a chapter on British doctrine and practice I realized that it was impossible to do justice in such a limited space to both legal and political debate on matters of great constitutional and international importance. Thus this work concentrates on the UK’s involvement in shaping the world order after 1945, and its decisions to go to war, or otherwise become involved in conflict or post-conflict situations—some of which conform to the norms of that world order but others of which seek to challenge and change them. It aims to fill a gap in legal and political literature on the exercise of what are sometimes called ‘war powers’ by the British government, but also to place such decisions in the wider international context. The text was finished in December 2008, when the issue of reform of prerogative war powers was still finding its way through parliament.

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Nigel D. White

School of Law
University of Sheffield
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