



House of Commons
Political and Constitutional
Reform Committee

Parliament's role in conflict decisions— further Government Response

Government Response to the
Committee's Ninth Report of
Session 2010–12

Twelfth Report of Session 2010–12

Report, together with formal minutes

*Ordered by the House of Commons
to be printed 1 December 2011*

HC 1673
Published on 6 December 2011
by authority of the House of Commons
London: The Stationery Office Limited
£0.00

The Political and Constitutional Reform Committee

The Political and Constitutional Reform Committee is appointed by the House of Commons to consider political and constitutional reform.

Current membership

Mr Graham Allen MP (*Labour, Nottingham North*) (*Chair*)
Mr Christopher Chope MP (*Conservative, Christchurch*)
Sheila Gilmore MP (*Labour, Edinburgh East*)
Andrew Griffiths MP (*Conservative, Burton*)
Fabian Hamilton MP, (*Labour, Leeds North East*)
Simon Hart MP (*Conservative, Carmarthen West and South Pembrokeshire*)
Tristram Hunt MP (*Labour, Stoke on Trent Central*)
Mrs Eleanor Laing MP (*Conservative, Epping Forest*)
Yasmin Qureshi MP (*Labour, Bolton South East*)
Mr Andrew Turner MP (*Conservative, Isle of Wight*)
Stephen Williams MP (*Liberal Democrat, Bristol West*)

Powers

The Committee's powers are set out in House of Commons Standing Orders, principally in Temporary Standing Order (Political and Constitutional Reform Committee). These are available on the Internet via <http://www.publications.parliament.uk/pa/cm/cmstords.htm>.

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at www.parliament.uk/pcrc. A list of Reports of the Committee in the present Parliament is at the back of this volume.

The Reports of the Committee, the formal minutes relating to that report, oral evidence taken and some or all written evidence are available in a printed volume.

Additional written evidence may be published on the internet only.

Committee staff

The current staff of the Committee are Steven Mark (Clerk), Hannah Stewart (Legal Specialist), Lorna Horton (Inquiry Manager), Louise Glen (Senior Committee Assistant), Annabel Goddard (Committee Assistant), Rebecca Jones (Media Officer) and Claire Gilray (Hansard Society research scholar).

Contacts

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Contents

Report	<i>Page</i>
Report	2
Government response	3
Formal Minutes	4
List of Reports from the Committee during the current Parliament	5

Report

1. The Political and Constitutional Reform Committee published its Ninth Report of Session 2010–12, *Parliament's role in conflict decisions*, on 14 September 2011, as House of Commons Paper No. 1477. This Report commented on and published the Government's response to an earlier Report from the Committee on the same subject.¹

2. This earlier Report looked at the role of Parliament in decisions to commit British forces to armed conflict abroad. It referred to the considerable body of work that had been carried out before the 2010 general election, by both the Government of the day and select committees, but without any concrete result, and called on the Government urgently to bring forward a text for parliamentary decision, as a first step to bringing greater clarity to this key area of constitutional decision-making.

3. Our Ninth Report took issue with the Government's response to our earlier recommendations, expressing disappointment that the response contained “so little of substance”, and suggesting that we would be more understanding of the Government's failure to “commit to following the Committee's suggested approach or to meeting the timetable proposed by the Committee” if the Government were prepared to say more about its own approach and timetable. We made a single recommendation in our Ninth Report, as follows:

While we welcome the Government's undertaking to continue to involve us in future deliberations on Parliament's role in conflict decisions, we, the House and the public deserve a clearer statement of the Government's timetable for progress in this matter. We recommend that the Government provide such a statement as soon as possible after the return of the House in October.

4. We received a letter from the Minister for Political and Constitutional Reform in response to this recommendation on 23 November 2011. This letter is published below.

5. We welcome the inclusion in the Cabinet Manual of a reference to Parliament's current role in decisions to commit forces to armed conflict abroad, in answer to one of our earlier recommendations. This is cited by the Minister in his letter.

6. The essence of the Minister's response, however, is that “as the Government has already committed to observing the convention [that the House of Commons debate and vote on committing forces to armed conflict abroad], the case for urgency has not been established”, and it is not therefore “appropriate to set out a fixed timetable for progress on this matter”.

7. The Minister goes on to state in his letter that “this will not satisfy the Committee's concerns”. He is correct in this assertion. Even on his view that there is no pressing urgency, it does not follow that there should no timetable for making progress of any kind. This is an issue to which considerable thought has been given for a number of years now. Progress is overdue. **The Government needs to honour the Foreign Secretary's**

1 HC 923 (2010–12)

undertaking to the House to “enshrine in law for the future the necessity of consulting Parliament on military action”, and to do so before the end of the current Parliament. In the absence of any other timetable, this is the one to which we will hold them.

Government response

I am writing in response to the Political and Constitutional Reform Committee's Ninth Report of Session 2010-12 entitled “Parliament's role in conflict decisions: Government response to the Committee's Eighth Report of Session 2010-12”.

The Committee recommended that the Government set out a statement as to the Government's timetable for progress on war powers as soon as possible after the return of the House in October.

As the Committee recognised, there is an existing convention that the House of Commons debate and vote on committing forces to armed conflict abroad, as it did in the case of Iraq and Libya. The Leader of the House said on 10 March 2011 that

“We propose to observe that convention except when there is an emergency and such action would not be appropriate. As with the Iraq war and other events, we propose to give the House the opportunity to debate the matter before troops are committed.”

This remains the Government's position.

The Committee will be aware that there are a number of important questions of detail that need to be addressed when considering the various options in framing the formalisation of this convention. The imperative is to consider these properly, rather than being driven by an artificial deadline. As the Government has already committed to observing the convention, the case for urgency has not been established, and I do not therefore believe it would be appropriate to set out a fixed timetable for progress on this matter. I understand that this will not satisfy the Committee's concerns.

As the Committee will be aware, the Cabinet Manual has now been published. In its Eighth Report the Committee repeated its recommendation that the Cabinet Manual contain a reference to Parliament's current role in conflict decisions, and I am pleased to say that this recommendation has been accepted, and such a reference does appear in the Cabinet Manual.

I look forward to further work with your Committee on this and other matters.

Formal Minutes

Thursday 1 December 2011

Members present:

Mr Graham Allen, in the Chair

Sheila Gilmore
Andrew Griffiths

Mrs Eleanor Laing
Mr Andrew Turner

Draft Report (*Parliament's role in conflict decisions—further Government Response*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 7 read and agreed to.

The Government's response to the Ninth Report from the Committee was appended to the Report.

Resolved, That the Report be the Twelfth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

[Adjourned till Thursday 8 December at 9.45 a.m.]

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2010–12

First Report	Parliamentary Voting System and Constituencies Bill	HC 422
Second Report	Fixed-term Parliaments Bill	HC 436 (Cm 7951)
Third Report	Parliamentary Voting System and Constituencies Bill	HC 437 (Cm 7997)
Fourth Report	Lessons from the process of Government formation after the 2010 General Election	HC 528 (HC 866)
Fifth Report	Voting by convicted prisoners: Summary of evidence	HC 776
Sixth Report	Constitutional implications of the Cabinet Manual	HC 734 (Cm 8213)
Seventh Report	Seminar on the House of Lords: Outcomes	HC 961
Eighth Report	Parliament's role in conflict decisions	HC 923 (HC 1477)
Ninth Report	Parliament's role in conflict decisions: Government Response to the Committee's Eighth Report of Session 2010-12	HC 1477 (HC 1673)
Tenth Report	Individual Electoral Registration and Electoral Administration	HC 1463
Eleventh Report	Rules of Royal Succession	HC 1615