



House of Commons
Political and Constitutional
Reform Committee

**Parliament's role in
conflict decisions: a
way forward**

Twelfth Report of Session 2013–14

Report, together with formal minutes

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The Political and Constitutional Reform Committee

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Summary

In recent years a convention has developed that the House of Commons should have the opportunity to debate conflict decisions before troops are committed abroad, except when there is an emergency and this would not be possible. The Government acknowledged this convention on 10 March 2011. The Foreign Secretary went further than this when, on 21 March 2011, he said that the Government would “enshrine in law for the future the necessity of consulting Parliament on military action”.

We have repeatedly called on the Government to honour the Foreign Secretary's commitment to enshrine Parliament's role in law by bringing forward a parliamentary resolution setting out Parliament's role in conflict decisions, as an interim step towards enshrining the process in law.

In this latest Report on the subject we renew our calls for progress to be made, in the face of an apparent lack of urgency within Government to tackle this matter. Specifically, we call on the Government to:

- Assign responsibility to a specific Government Minister for making progress on the Foreign Secretary's commitment to “enshrine in law for the future the necessity of consulting Parliament on military action”.
- Make a clear statement outlining how the Government will honour the Foreign Secretary's commitment.

We have also produced a draft parliamentary resolution which clearly sets out the process which we believe the Government should follow to seek approval from the House of Commons on future conflict decisions. We call on the Government to consider this resolution, and publish a version for consultation no later than June 2014, following which the Government should table a motion for the resolution to be agreed by the House no later than November 2014.

We ultimately favour Parliament's role being enshrined in law, but believe that agreeing a parliamentary resolution on this subject would serve as a useful interim step by embedding the current convention and clarifying some of the ambiguities that exist under current arrangements.

1 Background

Previous work by the Committee

1. Following a commitment by the Foreign Secretary, the Rt Hon William Hague MP, in March 2011 to “enshrine in law for the future the necessity of consulting Parliament on military action”,¹ we have published four Reports pressing the Government to make progress on this important issue.² We have repeatedly called on the Government to produce a parliamentary resolution formalising Parliament’s role in conflict decisions, as an interim step towards enshrining Parliament’s role in law.

2. The Government’s responses to our previous Reports have been largely unsatisfactory, failing seriously to address the majority of our recommendations, make any commitment to action or give a timeframe in which progress will be made. In our first Report on the matter we pressed the Government to bring forward a draft parliamentary resolution for consultation by 2011. The Government’s response, published in September 2011, stated:

While the Government cannot at this stage commit to following the Committee’s suggested approach or to meeting the timetable proposed by the Committee, we hope to make progress on this matter in a timely and appropriate manner.³

However, the Government has so far not made progress on this issue in a timely manner. We expressed our dissatisfaction with the Government’s response when we published it, and the Government sent us a further response setting out its views in more detail, which we published in December 2011. The Government’s further response, which took the form of a letter from Mark Harper MP, then Minister for Political and Constitutional Reform, stated:

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.⁴

The current convention

3. The legal authority to commit armed forces to conflict abroad is provided by a prerogative power exercised by Ministers (and conventionally by the Prime Minister) on behalf of the Sovereign. There is no statutory requirement to involve Parliament in the use

1 HC Deb, 21 March 2011, [col 799](#) [Commons Chamber]

2 Eighth Report of Session 2010-12, [Parliament’s role in conflict decisions](#), HC 923, Ninth Report of Session 2010-12, [Parliament’s role in conflict decisions: Government Response to the Committee’s Eighth Report of Session 2010-12](#), HC 1477, Twelfth Report of Session 2010-12, [Parliament’s role in conflict decisions – further Government Response: Government Response to the Committee’s Ninth Report of Session 2010-12](#), HC 1673, Eighth Report of Session 2013–14, [Parliament’s role in conflict decisions: an update](#), HC 649

3 Ninth Report of Session 2010-12, [Parliament’s role in conflict decisions: Government Response to the Committee’s Eighth Report of Session 2010-12](#), HC 1477

4 Twelfth Report of Session 2010-12, [Parliament’s role in conflict decisions – further Government Response: Government Response to the Committee’s Ninth Report of Session 2010-12](#), HC 1673

of this power, but in recent years a convention has developed that the House of Commons should have the opportunity to hold a debate on conflict decisions. The Government acknowledged in March 2011 that this convention had developed, when the then Leader of the House of Commons, Rt Hon Sir George Young MP, said:

A convention has developed in the House that before troops are committed, the House should have an opportunity to debate the matter. 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.⁵

It is important to note that, although the Foreign Secretary's commitment of 2011 referred to enshrining Parliament's role in law, the convention as acknowledged above refers only to the House of Commons. The Government has on a separate occasion said that "No such convention exists regarding the House of Lords."⁶

4. The House of Lords Constitution Committee recently considered options for formalising Parliament's role in conflict decisions in its Report on *Constitutional arrangements for the use of armed force*, and concluded that the existing convention was the best means for the House of Commons to be involved in decisions to use force.⁷ This is a view with which we respectfully disagree, as did a number of those who gave evidence to our inquiry.⁸ In particular, Professor Gavin Phillipson rebutted the points made by the Lords Constitution Committee against a parliamentary resolution on war powers and stated that he found their arguments "unpersuasive".⁹

Our inquiry

5. On 29 August 2013 the House of Commons debated a substantive motion, tabled by the Prime Minister, on Syria and the use of chemical weapons. The motion called on the House to "deplore the use of chemical weapons in Syria on 21 August 2013 by the Assad regime", "recall the importance of upholding the worldwide prohibition on the use of chemical weapons under international law" and "agree that a strong humanitarian response is required from the international community and that this may, if necessary, require military action that is legal, proportionate and focused on saving lives by preventing and deterring further use of Syria's chemical weapons".¹⁰ The House rejected the motion by 332 to 220. Following the vote, the Prime Minister told the House:

Let me say that the House has not voted for either motion tonight. I strongly believe in the need for a tough response to the use of chemical weapons, but I also believe in respecting the will of this House of Commons. It is very clear tonight that, while the

5 HC Deb, 10 March 2011, [col 1066](#) [Commons Chamber]

6 HL Deb, 11 June 2012, [col WA220](#) [Lords Chamber]

7 Second Report of Session 2013–14, House of Lords Constitution Committee, [Constitutional arrangements for the use of armed force](#), HL Paper 46, para 64

8 See in particular written evidence from Sebastian Payne [[PCD 02](#)], para 5, and written evidence from Gavin Phillipson [[PCD 04](#)], paras 7–15.

9 Written evidence from Gavin Phillipson [[PCD 04](#)]

10 HC Deb, 29 August 2013, [col 1425](#) [Commons Chamber]

House has not passed a motion, the British Parliament, reflecting the views of the British people, does not want to see British military action. I get that, and the Government will act accordingly.¹¹

6. The debate on 29 August 2013 highlighted the important role of the House of Commons in conflict decisions. The Prime Minister's decision to follow the views of the House in this matter was particularly significant. Although the Government has only acknowledged a convention that the House should have the opportunity to debate conflict decisions, on this occasion the Prime Minister not only gave the House the opportunity to debate the matter, but deferred to the view it expressed. That said, the debate also highlighted some respects in which the current convention may not be satisfactory, as there was some confusion as to how Parliament would be consulted on possible military action, and concerns were also raised during the debate that the Attorney General's full advice had not been published.¹²

7. We recommend that the Cabinet Manual be updated to include a reference to the events in the House of Commons on 29 August 2013, that being the most recent occasion where the House of Commons has been consulted on the possibility of military action.

8. In light of the events in the House of Commons on 29 August 2013, we felt the time was right to revisit the issue of formalising Parliament's role in conflict decisions, and scrutinise the Government's progress on this issue. As such, we published a short Report in September 2013 which stated:

we recommend that, in its response to our Report, the Government provide a comprehensive, updated statement of its position on the role of Parliament in conflict decisions. In particular, we wish the Government to address what progress had been made in discussions between Government Departments to implement the Foreign Secretary's commitment since he last updated our Committee in February 2013. We also recommend that it precisely details the specific steps which will now be taken to fulfil the strong public commitment to enshrine in law the necessity of consulting Parliament on military action.¹³

We also announced that we would be holding a further inquiry into Parliament's role in conflict decisions, and subsequently called for evidence on the following question:

- Given the commitment made by the Foreign Secretary in March 2011, how can progress be made on enshrining in law the necessity of consulting Parliament on military action?¹⁴

9. It is not our intention in this Report to set out in detail our reasons for believing that it is necessary to formalise Parliament's role in conflict decisions. However, Professor Nigel White, Professor of Public International Law at the University of Nottingham, gave a

11 HC Deb, 29 August 2013, [col 1555](#) [Commons Chamber]

12 HC Deb, 29 August 2013, [col 1427](#) [Commons Chamber]

13 Eighth Report of Session 2013–14, [Parliament's role in conflict decisions: an update](#), HC 649

14 [Call for evidence on Parliament's role in conflict decisions](#), published 12 September 2013

useful summary in his written evidence of the reasons for formalising current arrangements:

Parliamentary approval for any use of force has become essential primarily because of the anachronism of unregulated prerogative powers. Powers that once belonged to monarchs should not be wielded without proper democratic accountability; indeed they should be effectively regulated/replaced by clear statutory rules.¹⁵

As well as placing a limit on prerogative powers, we have received evidence that argues formalising Parliament's role would end any uncertainty about the existence of a convention, and also serve to clarify its terms.¹⁶ **We continue to endorse the view that there is a need to formalise and clarify Parliament's role in conflict decisions.**

10. As part of our inquiry, we took evidence from four academics on constitutional law, and the Rt Hon Lord Wallace of Saltaire, Government Whip for the Foreign and Commonwealth Office and Lords spokesman for the Cabinet Office. We also questioned the Deputy Prime Minister, Rt Hon Nick Clegg MP, on the subject when he gave evidence during one of our regular oral evidence sessions on the Government's programme of political and constitutional reform. We are grateful to all those who contributed to our inquiry.

15 Professor Nigel White [\[PCD 01\]](#) Para 7

16 Gavin Phillipson [\[PCD 04\]](#)

2 Making progress within Government

11. Since the Foreign Secretary's commitment, made in March 2011, the Government has taken no discernible action to enshrine Parliament's role in conflict decisions in law. The Government has not produced draft legislation, or even a parliamentary resolution—as this Committee has repeatedly recommended. The only visible action it has taken is to amend the Cabinet Manual to acknowledge that a convention had developed whereby the House of Commons should have the opportunity to debate conflict decisions. The Cabinet Manual now states:

In 2011, the Government acknowledged that a convention had developed in Parliament that before troops were committed the House of Commons should have an opportunity to debate the matter and said that it proposed to observe that convention except when there was an emergency and such action would not be appropriate.¹⁷

This change followed our recommendation to the Government that the Cabinet Manual be amended to include a clear reference to Parliament's role in conflict decisions.¹⁸ Although this change is very welcome, it is not enough to fulfil the Foreign Secretary's commitment.

Work within Government

12. Although there has been little overt evidence of action by the Government, we have had some reason to believe that work is taking place behind the scenes. In correspondence between the Chair of the Committee and the Foreign Secretary in February 2013, which we published with our Report of July 2013, the Foreign Secretary said:

I have discussed these issues with my Ministerial colleagues. Given the complexities involved, we have commissioned work from a number of Departments to help reach agreement on the way ahead. Once this has concluded, the Government will update Parliament on next steps. I am grateful for the Committee's continued interest.¹⁹

However, when we asked Lord Wallace to update us on precisely what work had been commissioned within Government, from which departments, and when it was expected to be completed, we were told:

The next piece of work to emerge will be the Government's response to the Lords Constitution Committee report. I suspect that the next piece to emerge after that will be the Government's response to your Committee's report.²⁰

This statement indicates that the only tangible product of the Government's work on this subject is its responses to select committee reports. It would be more encouraging if the

17 [The Cabinet Manual](#), October 2011, 5.38

18 Eighth Report of Session 2010-12, [Parliament's role in conflict decisions](#), HC 923

19 Letter from Rt Hon William Hague MP, Foreign Secretary, Foreign Office, to the Chair of the Committee, 8 February 2013 (published in the appendix to [Parliament's role in conflict decisions: an update](#))

20 Q 25 [Lord Wallace]

Government were producing work on this matter proactively, rather than simply reactively.

13. Since we took evidence from Lord Wallace, the Government has produced its response to the Report by the House of Lords Constitution Committee on *Constitutional arrangements for the use of armed force*. In its response, the Government stated that it

intends to reflect carefully on the experience of the Syria vote on 29 August, as well as the Committee's report and the ongoing inquiry by the Political and Constitutional Reform Committee of the House of Commons into a very similar question, before deciding how it wishes to proceed.²¹

The response also stated that the Government would amend the Cabinet Manual so that "it includes a detailed description of the internal arrangements for advising and deciding on the use of armed force" the next time a major revision is carried out. This is in line with one of the recommendations made by the House of Lords Constitution Committee, and suggests that the Government is open to including more detailed information in the Cabinet Manual on the process by which conflict decisions are made. Again, this is welcome but it is a very small step, and does not address the central issue—clarifying and formalising Parliament's role in conflict decisions.

Ministerial responsibility for the issue

14. Since the Foreign Secretary's commitment in March 2011, half a dozen Ministers from three Government departments have given evidence to select committees, or spoken in the House, on this subject.²² However, no one Minister has openly taken the lead on the issue. In seeking the Government's views as part of this inquiry, we initially requested that the Foreign Secretary appear to update us on his commitment to enshrine Parliament's role in conflict decisions in law. Following a lengthy discussion between Government departments, we were told that Lord Wallace of Saltire, Spokesperson in the Lords for the Cabinet Office and the Whip responsible for the Foreign and Commonwealth Office, who previously gave evidence to the Lords Constitution Committee's inquiry into *Constitutional arrangements for the use of armed force*, would be the most appropriate Minister to give evidence. When we took evidence from Lord Wallace, he told us:

I am here with a Cabinet Office hat on. The Cabinet Office leads on this, in consultation with the FCO and the MOD as the main interested Departments, and a continuing discussion goes on across these three Departments.²³

21 [HM Government response to the House of Lords Constitution Committee's report on the Constitutional arrangements for the use of armed force](#), 25 October 2013

22 Alistair Burt MP, Parliamentary Under-Secretary of State, Foreign and Commonwealth Office, Rt Hon Andrew Robathan MP, Minister of State for the Armed Forces and Rt Hon Lord Wallace of Saltire, Government Whip for the Foreign and Commonwealth Office gave [evidence](#) to the House of Lords Constitution Committee on 26 June 2013, the Deputy Prime Minister gave [evidence](#) to this Committee as part of an annual evidence session on the Government's programme of political and constitutional reform on 10 October 2013, and both Rt Hon William Hague MP, Secretary of State for Foreign and Commonwealth Affairs [HC Deb, 21 March 2011, [col 799](#)], and Rt Hon Sir George Young MP, then Leader of the House Office and Lords spokesman for the Cabinet Office [HC Deb, 10 March 2011, [col 1066](#)], have spoken in the House on the subject.

23 Q 22 [Lord Wallace]

When pressed on whether there was a specific Minister with responsibility for this issue, Lord Wallace told us:

The Deputy Prime Minister is responsible for constitutional issues broadly defined. One of the junior Commons Ministers in the Cabinet Office, now Greg Clark, has responsibility in Commons terms for constitutional issues. I am the all purpose, all singing and dancing Cabinet Office Minister in the Lords.²⁴

15. We subsequently received a response from the Deputy Prime Minister in relation to where responsibility lies for Parliament's role in conflict decisions. He stated:

In relation to Parliament's role in conflict decisions, the formal lead rests with me as Deputy Prime Minister, as a constitutional matter. Clearly, however, the matter touches on the important interests of a number of other Departments. Any approach will need to ensure that our emergency response capability and the security of future military operations are not compromised. As I said in my evidence to your Committee on 10 October, we need to answer the question of "how does one reconcile enshrining a convention in a way that is strong and meaningful but none the less flexible enough to deal with what are, by definition, unpredictable circumstances?" The Government intends to reflect carefully on the experience of the Syria vote on 29 August, as well as the Report of the House of Lords Constitution Committee and also the results of your inquiry, before deciding how it wishes to proceed.²⁵

16. The Government's work on this matter clearly involves a number of Government departments, something Lord Wallace confirmed when he told us that he had been briefed by officials from the Cabinet Office, the Foreign and Commonwealth Office and the Ministry of Defence in advance of his evidence to this Committee.²⁶ He also told us that the matter sat with the National Security Secretariat, which is part of the Cabinet Office. Nonetheless, it is clear that there is, or at least has been, a lack of clarity within Government as to where lead responsibility for this issue lies, and it seems that progress has stalled as a result.

17. In order for progress to be made on formalising Parliament's role in conflict decisions, it is essential that a specific Minister has responsibility for making progress on the Foreign Secretary's commitment. It is also important that the Minister is supported by the Civil Service in this work, particularly in co-ordinating efforts between departments. We recommend that the Prime Minister give a specific Minister responsibility for making progress on formalising Parliament's role in conflict decisions, and also appoints a senior civil servant to support the Minister in this work.

The Government's current position

18. Since the Foreign Secretary's commitment in March 2011, where he said the Government would enshrine Parliament's role in conflict decisions in law, the

24 Q 27 [Lord Wallace]

25 [Correspondence from Rt Hon Nick Clegg MP, Deputy Prime Minister, 20 November 2013](#)

26 Q 26 [Lord Wallace]

Government has not made a clear statement about its position on the issue. In an oral evidence session with the House of Lords Constitution Committee in January 2013, the Deputy Prime Minister said:

Very candidly, there are different views on this and there are those who are forthright in their view that we should try and make that convention as solid, strong and fixed as possible. I am probably more at that end; as you know, the Foreign Secretary has, in the past, talked about looking at enshrining this practice in law. There are others who have perfectly legitimate and sound reasons to be more cautious about that.²⁷

When we asked Lord Wallace to update us on the Government's current position, he told us:

The Government has an evolving position. This Government, like its predecessor, has discovered as it goes into it that this is a great deal more complex than one thought. The definition of armed conflict and the deployment of forces has all sorts of ragged edges, questions of urgency and secrecy come in [...]. We are in the process of discovering we need a strong convention but how we actually interpret it, let alone how we legislate on it or whether we should legislate on it, is a large question. Legislation and judicial review go together and the Government has become much more sensitive about judicial review of military action.²⁸

These statements indicate that the Government is not united on this matter, and does not have a clear position on the issue.

19. Since the Foreign Secretary's very clear commitment of March 2011, the Government has failed to state how it intends to honour this commitment. We have been told that the Government has an "evolving position", but this provides little reassurance that the Government is committed to making progress on formalising Parliament's role in conflict decisions. We recommend that in its response to this Report the Government makes a clear statement of how it intends to honour the Foreign Secretary's commitment to "enshrine in law for the future the necessity of consulting Parliament on military action".

27 Q 34, Lords Constitution Committee, [Annual evidence session with the Deputy Prime Minister](#), 9 January 2013

28 Q 23 [Lord Wallace]

3 How to formalise Parliament's role

The options for formalising Parliament's role

20. We are convinced that there is still time during the current Parliament to take action on formalising Parliament's role in conflict decisions. In order for the Government to make progress on honouring the Foreign Secretary's commitment to "enshrine in law for the future the necessity of consulting Parliament on military action", we believe there are two options which can be pursued. These are:

- i. Passing an Act of Parliament which enshrines in law the need for the Government to consult with, or seek approval from, the House of Commons on conflict decisions.
- ii. Securing the agreement of the House of Commons on a parliamentary resolution stating that the Government should consult with, or seek approval from, the House of Commons on conflict decisions.

Both of these options have been considered in detail elsewhere.²⁹

21. We ultimately favour Parliament's role being enshrined in law, in line with the Foreign Secretary's commitment, but we are open to progress being made in an incremental fashion. We have previously recommended that a parliamentary resolution be brought forward by the Government, as an interim step towards producing legislation. To that end, we have produced a draft parliamentary resolution setting out the process we believe the Government should follow to secure the approval of Parliament on future conflict decisions.

An Act of Parliament

22. The only way to guarantee that the Government is required to consult with or seek approval from Parliament on conflict decisions is to put the process on a statutory footing, so that the Government is no longer able to exercise prerogative powers relating to conflict decisions without Parliament's involvement. The Foreign Secretary's commitment was that the Government would "**enshrine in law** for the future the necessity of consulting Parliament on military action" (emphasis added). This indicates that the Government's position in 2011, or at the very least the Foreign Secretary's view, was that Parliament's role in conflict decisions should be set out in an Act of Parliament. We took this to mean that the Government had a clear, positive position on the issue.

23. When we put it to Lord Wallace that the Foreign Secretary's commitment had been to enshrine Parliament's role in conflict decisions in law, his response was:

I understand that. The Cabinet Manual has been revised and will be revised again. I suspect your Committee will be considering whether or not you wish to have a

²⁹ See in particular the Second Report of Session 2013–14, House of Lords Constitution Committee, [Constitutional arrangements for the use of armed force](#), HL Paper 46

parliamentary resolution on this. I think the Government will be very hesitant about going further.³⁰

This indicates that the Government is not minded to enshrine Parliament's role in law, in accordance with the Foreign Secretary's commitment, but leaves open the possibility that the Government will consider a parliamentary resolution, and further changes to the Cabinet Manual.

A parliamentary resolution

24. We have previously recommended that the Government bring forward a draft, detailed parliamentary resolution for consultation so that it can be agreed by both Houses of Parliament.³¹ This would have the effect of setting out in writing the procedure by which Parliament is consulted on conflict decisions, and create a strong political expectation that the Government would follow this procedure. The previous Government produced a "Draft Detailed War Powers Resolution" which would have required approval from the House of Commons for conflict decisions made by the Government.³² The resolution was not further considered before the end of that Parliament in 2010, and no serious attempt has been made to formalise Parliament's role using a resolution since. Professor Nigel White, Professor of Public International Law at the University of Nottingham, thought that the resolution as drafted by the previous Government left too much discretion with the Executive in relation to how Parliamentary approval was requested.³³ This was a view shared by Sebastian Payne, Lecturer in Constitutional and Administrative Law at the University of Kent.³⁴ Professor Gavin Phillipson, Professor of Law at Durham University, also warned against relying too much on the previous Government's draft resolution as a model for formalisation, stating:

The scheme proposed appeared to be designed to allow for the appearance of a liberalising reform, while in reality maintaining maximum governmental control over the process.³⁵

25. As with an Act of Parliament, it would be necessary to consider whether a House resolution would simply formalise the current convention that exists—whereby "the House of Commons should have an opportunity to debate" conflict decisions—or if the resolution should set out a more comprehensive process by which approval from the House of Commons would have to be given. We detail below areas that require consideration in deciding how best to formalise Parliament's role.

30 Q 24 [Lord Wallace]

31 Eighth Report of Session 2010-12, [Parliament's role in conflict decisions](#), HC 923

32 [The Governance of Britain—Constitutional Renewal](#), Ministry of Justice, March 2008

33 Q 13 [Professor Nigel White]

34 Q 14 [Sebastian Payne]

35 Professor Gavin Phillipson [[PCD 04](#)], para 17

Issues to resolve

Risk of Judicial Review

26. If a requirement to consult with or seek approval from the House of Commons on conflict decisions were given a statutory basis then the courts could become involved if a legal challenge were brought against the Government for failure to comply with the legislation. Lord Wallace told us:

Legislation and judicial review go together and the Government has become much more sensitive about judicial review of military action.³⁶

This makes it clear that the Government is wary of opening up conflict decisions, and the process by which Parliament is consulted on them, to interference from the courts. Sebastian Payne, Lecturer in Constitutional and Administrative Law at the University of Kent, also raised concerns that enshrining Parliament's role in law could involve the courts in matters which should be resolved between Parliament and the Executive, saying "courts would be obliged to consider the lawfulness of deployment decisions where a claim is made for an injunction or a declaration."³⁷

27. However, Professor Nigel White, Professor of Public International Law at the University of Nottingham, told us that he did not think enshrining Parliament's role in law would lead to the courts becoming involved in the legality of conflict decisions,³⁸ and his written evidence argued that the courts would be "concerned with clear abuse of the process, but not with detailed arguments about the legality of going to war".³⁹

28. When it was put to Lord Wallace that a House resolution would not be justiciable and would therefore avoid the risk of Judicial Review, he told us this was "Understood".⁴⁰ This indicates that the Government accepts that the risk of Judicial Review is something that would exist only if Parliament's role were to be formalised in an Act of Parliament, and that if a parliamentary resolution were agreed on this issue, there would not be a risk of Judicial Review.

29. We understand the Government's wariness about the risk of Judicial Review if Parliament's role in conflict decisions were set out in an Act of Parliament. We have heard evidence that suggested the courts would only be concerned if there was a serious failure by the Government to abide by the process set out in legislation. We also note that a parliamentary resolution would not be justiciable, and for that reason would be a sensible interim step while the implications of passing legislation in this area are more fully considered.

36 Q 23 [Lord Wallace]

37 Sebastian Payne [PCD 02], and Qq 10, 21

38 Q 21 [Professor Nigel White]

39 Professor Nigel White [PCD 01]

40 Q 32 [Lord Wallace]

Definitional problems

30. The question of how to define conflict decisions is central to establishing what decisions Parliament would have to be consulted on, or approve, if the process were formalised. The House of Lords Constitution Committee's Report on *Constitutional arrangements for the use of armed force* presented defining armed conflict as "One of the main obstacles to formalisation", stating that there are large grey areas between diplomatic and military operations, and that the range of situations where the armed forces might be deployed is "very wide and getting wider."⁴¹ Lord Wallace made the point that any attempt to couch a definition in terms of "troops on the ground" or "boots on the ground" would fail to capture the evolving nature of armed conflict.⁴² He went on to say that the idea of "boots on the ground" did not necessarily imply armed conflict.⁴³

31. Previous attempts to formalise Parliament's role have used the following definitions to describe those decisions that would require parliamentary approval:

- "the use of force by UK forces" (the draft resolution published by the previous Government in 2008),⁴⁴ and
- "a situation of armed conflict to which the Geneva Conventions [...] apply" (the draft Bill published by the Public Administration Select Committee in 2004).⁴⁵

Professor Nigel White stated in his written evidence that approval should be required from Parliament for "any proposed decision to deploy significant numbers of British troops/forces to an overseas crisis", on the basis that Parliament should be consulted on a decision before troops had been deployed, rather than consulted on the use of force by troops that have already been deployed to overseas operations.⁴⁶

32. Addressing whether it would be necessary rigidly to define "armed conflict", Professor Rodney Brazier, the Specialist Adviser to the Public Administration Committee in 2004, whose draft Minister of the Crown (Executive Powers Bill) was published in the Committee's Report, *Taming the Prerogative: Strengthening Ministerial Accountability to Parliament*, stated:

It would [...] be possible to dispense with a definition and to leave the interpretation of the phrase "armed conflict" to common sense. It is unlikely that there would be any significant disagreement about whether in fact a given situation amounted, or would amount, to a state of armed conflict.⁴⁷

41 Second Report of Session 2013–14, House of Lords Constitution Committee, [Constitutional arrangements for the use of armed force](#), HL Paper 46, Para 51

42 Q 33 [Lord Wallace]

43 Qq 45–46 [Lord Wallace]

44 [The Governance of Britain – Constitutional Renewal](#), Ministry of Justice, March 2008

45 Public Administration Select Committee, Fourth Report of Session 2003–04, [Taming the Prerogative: Strengthening Ministerial Accountability to Parliament](#), HC 422

46 Professor Nigel White [PCD 01]

47 Public Administration Select Committee, Fourth Report of Session 2003–04, [Taming the Prerogative: Strengthening Ministerial Accountability to Parliament](#), HC 422

33. Defining conflict decisions is likely to represent less of a challenge in producing a parliamentary resolution, as opposed to an Act of Parliament, as the former is more easily amended and not open to legal challenge. The written evidence from Professor Gavin Phillipson made the case that definitional issues would be much less problematic in a parliamentary resolution, stating:

this [defining “armed conflict”] might matter greatly in relation to a legal obligation to seek the consent of Parliament, it would matter far less (if at all) in relation to a Resolution.⁴⁸

34. We accept that defining conflict decisions is complicated, but it is hard to believe that the Government does not possess the expertise to draft an Act of Parliament or parliamentary resolution that would satisfactorily define those decisions on which Parliament should be consulted on, or approve. We believe that a parliamentary resolution would be less challenging in this respect, as it would be more easily amended and present no risk of legal challenge. It should also be noted that the current convention is dependent on a shared understanding between Parliament and the Government about which decisions Parliament should have the opportunity to debate. We do not, for example, want the Government to be required to consult with or seek approval from the House on peacekeeping or training missions.

Exceptions

35. It has been broadly accepted that in certain exceptional circumstances it would not be possible to consult with or seek approval from the House of Commons before making a conflict decision. This is most widely agreed in cases where there is an urgent need for action and as such there is not sufficient time for the House of Commons to hold a debate on the decision. When we questioned the Deputy Prime Minister on how progress could be made on enshrining Parliament’s role in law, he told us:

It is [a question of] how does one reconcile enshrining a convention in a way that is strong and meaningful but nonetheless flexible enough to deal with what are, by definition, unpredictable circumstances. That is the circle we are trying to square.⁴⁹

36. An Act of Parliament, or parliamentary resolution, formalising Parliament’s role in conflict decisions would need to make provision for exceptions, either in general terms or by specifying the precise circumstances where it was permissible for conflict decisions to be made without Parliament’s input. The question of whether it would be appropriate for the House to be consulted after the event, in cases where a decision had to be taken without consulting with or seeking approval from Parliament beforehand, would also have to be resolved.

37. The previous Government’s draft resolution, published in 2008, made provisions which would have allowed conflict decisions to be made without Parliament’s approval if the Prime Minister deemed that there was either a “security” condition, where seeking approval from Parliament before taking action could prejudice the effectiveness of the

48 Gavin Phillipson [PCD 04] Para 9

49 Q 18, [The Coalition Government’s programme for political and constitutional reform](#), 10 October 2013

action or safety of those involved, or an “emergency” condition, when action needed to be taken immediately. Approval would also not have been necessary for decisions relating to the Special Forces, or on occasions when Parliament was dissolved.⁵⁰ When we spoke to constitutional academics about how useful this draft resolution might be as a basis for future work, Professor Nigel White said that, although provision would have to be made to allow for emergency and security exceptions, the resolution as drafted would have left these decisions entirely in the hands of the Prime Minister.⁵¹ His written evidence argued that “exceptions should be carefully defined in order to prevent exploitation.”⁵²

38. The draft Bill published by the Public Administration Select Committee in 2004 only allowed for action to be taken without parliamentary approval “in cases of action taken by those armed forces in their immediate and personal self-defence”, and “if Her Majesty’s Government is of the opinion that such participation is necessary as a matter of urgency before resolutions could be obtained.” In the latter case, approval would have to be sought retrospectively within seven days of the beginning of any conflict.⁵³ This is arguably a stricter set of exceptions than those set out in the draft resolution produced by the previous Government.

39. Again, it would be less challenging to provide for exceptions to the normal process of consulting, or seeking approval from, the House of Commons in a parliamentary resolution, as opposed to an Act of Parliament. As a parliamentary resolution is not open to legal challenge, the interpretation of the resolution and any exceptions specified would ultimately be a matter for the Government and Parliament, and thus any ambiguities could be resolved, or at least debated, in an open and transparent fashion in Parliament.

40. We accept that any Act of Parliament or parliamentary resolution formalising Parliament’s role in conflict decisions would need to make provisions for occasions when it was not possible or appropriate to consult with or seek approval from the House of Commons before making a decision. In such cases, we believe it would be appropriate for the Government to consult with, or seek approval from, the House of Commons retrospectively, to ensure that all conflict decisions are subject to parliamentary scrutiny. Again, it is our view that detailing these exceptions would be less challenging in a parliamentary resolution, as compared with an Act of Parliament.

Legal advice

41. In its response to a Report by the Lords Constitution Committee on *Constitutional arrangements for the use of armed force*, the Government acknowledged the overriding importance of the legality of deploying the armed forces, stating:

The Government agrees with the Committee that the legality of any deployment is of overriding importance, and shares the Committee’s concern that scrutiny by the

50 [The Governance of Britain – Constitutional Renewal](#), Ministry of Justice, March 2008

51 Q 14 [Professor Nigel White]

52 Professor Nigel White [\[PCD 01\]](#)

53 Public Administration Select Committee, Fourth Report of Session 2003-04, [Taming the Prerogative: Strengthening Ministerial Accountability to Parliament](#), HC 422

courts of operational decisions [...] could have a negative effect on the morale and operational independence of the armed forces.⁵⁴

The acknowledgment by the Government that the legality of any deployment is of overriding importance supports the case that the House of Commons needs to be well informed about the legal arguments relevant to any conflict decisions it is asked to consider.

42. However, the current convention, as acknowledged by the Government in 2011, does not make any reference to the information that should be laid before Parliament ahead of its consideration of a conflict decision. One of the areas where this is most controversial is in relation to the advice the Government provides about the legality of conflict decisions being considered. On the most recent occasion when the House of Commons was consulted on a conflict decision, the Government produced a document which set out “the UK government’s position regarding the legality of military action”.⁵⁵ This was not signed by the Attorney General—the Government’s adviser on such matters—although the Prime Minister did refer to it as “the Attorney-General’s excellent legal advice to the House” during the debate.⁵⁶

43. When we questioned Lord Wallace on the information that the Government provided to Parliament regarding the legality of any conflict decision being considered by Parliament, he confirmed that the Government’s position was that:

It is a very strongly established convention that the advice given by the Attorney-General, which includes advice on interpretation of the law, contested areas where it might be open to challenge, for obvious reasons—that is what the Government’s in-house lawyers should be doing—should not be disclosed to Parliament.⁵⁷

44. A number of our witnesses called for Parliament to be given fuller information about the legality of future conflict decisions under consideration. Professor Nigel White called for the full legal opinion of the Attorney General to be laid before Parliament, and said that if this were “not sufficiently detailed or otherwise satisfactory”, Parliament should seek further advice.⁵⁸ Professor Philippe Sands, Professor of Law at University College London and a practising barrister, was highly critical of the quality of the legal advice that had been presented to Parliament, where any had been presented at all, in advance of debates on conflict decisions. His written evidence detailed the processes by which Parliament was presented with legal advice in two instances: in relation to the debate on Iraq in 2003, and the debate on Syria in 2013. His evidence stated:

In both cases Parliament debated the matter on the basis of assertions by the Prime Minister of the day as to the legal advice that had been given by the Attorney General, supported by a summary of the legal argument on which reliance was being

54 [HM Government response to the House of Lords Constitution Committee's report on the Constitutional arrangements for the use of armed force](#), 25 October 2013

55 [Chemical weapon use by Syrian regime: UK government legal position](#), Prime Minister’s Office, August 29 2013

56 HC Deb, 29 August 2013, [Col 1430](#) [Commons Chamber]

57 Q 41 [Lord Wallace]

58 Professor Nigel White [\[PCD 01\]](#) Para 23

placed. In both cases, the assertions by the Prime Minister did not appear to be an accurate summary or account of the legal advice received, and in this way had the effect of misleading Parliament.⁵⁹

45. The current convention makes no provision for the advice, regarding matters of fact or law, that is made available to Parliament when a conflict decision is being considered. This is an absence that should be redressed in formalising Parliament's role and could be done either in an Act of Parliament or a parliamentary resolution. The Government could also update the Cabinet Manual to detail what information will be provided to the House of Commons when conflict decisions are considered in the future.

46. As a possible improvement to the current process, Professor Sands proposed that a parliamentary committee be tasked with obtaining legal advice on behalf of Parliament, when a conflict decision was to be considered. He told us:

I think that when these situations arise there ought to be a parliamentary committee that can move very quickly to retain independent legal advice to form its own view. Parliament can then decide what aspects of that advice it wishes to make public, either generally or more broadly, to the whole of Parliament.⁶⁰

This would either involve a currently extant committee taking on the task, or a new committee being established to manage this responsibility. Consideration would need to be given to the point at which legal advice should be sought by such a committee, what material data the Government would need to provide as the basis for legal advice, and how the committee would report the legal advice to Parliament. When we put this proposal to Lord Wallace, he told us that he did not feel it was necessary for Parliament to have its own legal advice in the event of considering a conflict decision, saying:

I am not sure that Parliament itself needs that formal legal counsel as you are suggesting, an alternative to the Attorney-General, who would be the parliamentary adviser on all of these things. That is my instinctive response.⁶¹

47. We have heard a proposal that a parliamentary committee should be charged with retaining legal advice on behalf of Parliament in relation to the legality of conflict decisions being considered by the House. This would either involve a currently extant committee taking on the task, or a new committee being established to manage this responsibility. We believe this is an interesting idea and that the possibility of a Select Committee taking on the role of reporting to the House on legal issues relating to conflict decisions should be considered further.

Our views on how to proceed

48. Our first Report on this subject welcomed the Foreign Secretary's commitment to "enshrine in law for the future the necessity of consulting Parliament on military action",

59 Philippe Sands [PCD.03] Para 2

60 Q 6 [Philippe Sands]

61 Q 42 [Lord Wallace]

but noted that this was likely to be a long-term project and should be considered in more depth after a parliamentary resolution had been agreed. This remains our view. To that end, we have produced a draft parliamentary resolution setting out the process which we believe the Government should follow to seek approval from the House of Commons on future conflict decisions. This is published as an Annex to this Report.

49. We hope that a future Government will seriously consider bringing forward legislation to enshrine Parliament's role in conflict decisions in law, once a parliamentary resolution on the issue has been agreed. We have produced a draft parliamentary resolution which sets out the process we believe the Government should follow to seek approval from the House of Commons on future conflict decisions. We recommend that the Government consider the draft parliamentary resolution we have produced with this Report, and publish a version for consultation no later than June 2014. Following consultation, the Government should table a motion for the House to agree the resolution no later than November 2014.

4 Concluding remarks

50. It is apparent that there are differences of opinion within the Government about the best way to make progress on formalising Parliament's role in conflict decisions, in line with the Foreign Secretary's commitment of March 2011 to "enshrine in law for the future the necessity of consulting Parliament on military action".⁶² However, we are encouraged that the Government appears to be willing to consider the possibility of a parliamentary resolution on this matter. We remain convinced that this is an important issue on which action can be taken before the end of the current Parliament, and hope that progress will be made in a timely fashion.

51. We have concluded that the best next step would be for a parliamentary resolution setting out Parliament's role in conflict decisions to be consulted on and agreed by the House of Commons. To that end, we have produced a draft parliamentary resolution setting out the process we believe the Government should follow to seek approval from the House of Commons on future conflict decisions. The Government should consider this draft resolution, publish a version for consultation no later than June 2014, and table a motion for the resolution to be agreed by the House no later than November 2014. This would serve as a useful interim step towards enshrining Parliament's role in law by embedding the current convention and clarifying some of the ambiguities that exist under current arrangements. A parliamentary resolution would also avoid the risks presented by Judicial Review, and the problem of effectively defining conflict decisions, that might exist if Parliament's role were set out in an Act. We do, however, feel that these obstacles are not insurmountable, and ultimately would favour Parliament's role being enshrined in law. Agreeing a parliamentary resolution should best be seen as an interim step towards this end.

62 HC Deb, 21 March 2011, [col 799](#) [Commons Chamber]

Annex: Draft resolution on Parliament's role in conflict decisions

That an humble Address be presented to Her Majesty praying that decisions of Her Majesty's Government relating to the use of force by Her forces outside the United Kingdom be made subject to the following provisions.

1. Approval required

(1) The approval of this House should be obtained for a conflict decision made after [insert appropriate date].

(2) A conflict decision is a decision of Her Majesty's Government to authorise the use of force outside the United Kingdom by UK forces.

(3) Approval for a conflict decision has been given if the decision is covered by an approval given in the way set out in paragraph 2 below.

(4) In these provisions "UK forces" means forces from the regular forces or the reserve forces as defined in section 374 of the Armed Forces Act 2006.

2. Process for approvals

(1) The Prime Minister seeks approval for a conflict decision by laying before this House a report setting out:-

(a) the terms of the decision to be approved;

(b) the circumstances necessitating the use of force by UK forces; and

(c) the information about objectives, locations and legal matters that are necessary for Parliament to consider the terms to be approved.

(2) Approval should be sought by the Prime Minister as soon as practicable after the Government has formulated a policy involving the use of force outside the United Kingdom by UK forces.

(3) This House gives the approval by resolving to approve the terms set out in the Prime Minister's report.

(4) This House may send a message to the Lords asking for its opinion on the terms on which approval has been sought.

3. Exceptions to requirement for approval: urgency

(1) Prior approval is not required for a conflict decision if such a decision is necessary as a matter of urgency, and it would therefore not be possible to obtain a resolution in advance.

(2) If the condition in sub-paragraph (1) of this paragraph is met, then the Prime Minister should:-

(a) set out in a Report to the House the reasons that Her Majesty's Government was of the opinion that the conflict decision was necessary as a matter of urgency, and it was therefore not possible to seek the House's approval in advance; and

(b) seek retrospective approval from the House no later than 20 days after a conflict decision has been made.

4. Exceptions to requirement for approval: security

(1) Prior approval is not required for a conflict decision if the public disclosure of information about the conflict decision would prejudice:-

(a) the effectiveness of any action to be taken; or

(b) the safety of the UK forces, members of other forces assisting UK forces, or other persons assisting those forces.

(2) If the condition in sub-paragraph (1) of this paragraph is met, then the Prime Minister should:-

(a) set out in a Report to the House the reasons that Her Majesty's Government was of the opinion that the public disclosure of information about the conflict decision could prejudice one of the conditions set out in sub-paragraph (1) of this paragraph; and

(b) seek retrospective approval from the House no later than 20 days after a conflict decision has been made.

(3) But, in a case involving the condition set out in sub-paragraph (1), retrospective approval does not have to be sought so long as the circumstances set out continue to exist or the laying of the report could prejudice national security or the UK's international relations.

5. Exceptions to requirement for approval: special forces

(1) Approval is not required for a conflict decision if the decision covers one or both of the following only:-

(a) members of the United Kingdom Special Forces; or

(b) other members of UK forces for the purpose only of their assisting (directly or indirectly) activities of the United Kingdom Special Forces.

(2) “United Kingdom Special Forces” means any forces that are part of the Ministry of Defence Directorate for which the Director Special Forces has responsibility.

6. Exceptions to requirement for approval: Parliament dissolved

(1) Prior approval is not required for a conflict decision if the decision is made at a time when Parliament is dissolved.

(2) If the condition in sub-paragraph (1) of this paragraph is met, then the Prime Minister should seek retrospective approval from the new House no later than 20 days after the day of the first meeting of the new House.

Conclusions and recommendations

Conclusions are in plain text, recommendations are in italics.

Background

1. The debate on 29 August 2013 highlighted the important role of the House of Commons in conflict decisions. The Prime Minister's decision to follow the views of the House in this matter was particularly significant. Although the Government has only acknowledged a convention that the House should have the opportunity to debate conflict decisions, on this occasion the Prime Minister not only gave the House the opportunity to debate the matter, but deferred to the view it expressed. That said, the debate also highlighted some respects in which the current convention may not be satisfactory, as there was some confusion as to how Parliament would be consulted on possible military action, and concerns were also raised during the debate that the Attorney General's full advice had not been published. (Paragraph 6)
2. *We recommend that the Cabinet Manual be updated to include a reference to the events in the House of Commons on 29 August 2013, that being the most recent occasion where the House of Commons has been consulted on the possibility of military action. (Paragraph 7)*
3. We continue to endorse the view that there is a need to formalise and clarify Parliament's role in conflict decisions. (Paragraph 9)

Making progress within Government

4. In order for progress to be made on formalising Parliament's role in conflict decisions, it is essential that a specific Minister has responsibility for making progress on the Foreign Secretary's commitment. It is also important that the Minister is supported by the Civil Service in this work, particularly in co-ordinating efforts between departments. (Paragraph 17)
5. *We recommend that the Prime Minister give a specific Minister responsibility for making progress on formalising Parliament's role in conflict decisions, and also appoints a senior civil servant to support the Minister in this work. (Paragraph 17)*

The Government's current position

6. Since the Foreign Secretary's very clear commitment of March 2011, the Government has failed to state how it intends to honour this commitment. We have been told that the Government has an "evolving position", but this provides little reassurance that the Government is committed to making progress on formalising Parliament's role in conflict decisions. (Paragraph 19)
7. *We recommend that in its response to this Report the Government makes a clear statement of how it intends to honour the Foreign Secretary's commitment to "enshrine*

in law for the future the necessity of consulting Parliament on military action”.
(Paragraph 19)

How to formalise Parliament's role

8. We understand the Government's wariness about the risk of Judicial Review if Parliament's role in conflict decisions were set out in an Act of Parliament. We have heard evidence that suggested the courts would only be concerned if there was a serious failure by the Government to abide by the process set out in legislation. We also note that a parliamentary resolution would not be justiciable, and for that reason would be a sensible interim step while the implications of passing legislation in this area are more fully considered. (Paragraph 29)
9. We accept that defining conflict decisions is complicated, but it is hard to believe that the Government does not possess the expertise to draft an Act of Parliament or parliamentary resolution that would satisfactorily define those decisions on which Parliament should be consulted on, or approve. We believe that a parliamentary resolution would be less challenging in this respect, as it would be more easily amended and present no risk of legal challenge. It should also be noted that the current convention is dependent on a shared understanding between Parliament and the Government about which decisions Parliament should have the opportunity to debate. We do not, for example, want the Government to be required to consult with or seek approval from the House on peacekeeping or training missions. (Paragraph 34)
10. We accept that any Act of Parliament or parliamentary resolution formalising Parliament's role in conflict decisions would need to make provisions for occasions when it was not possible or appropriate to consult with or seek approval from the House of Commons before making a decision. In such cases, we believe it would be appropriate for the Government to consult with, or seek approval from, the House of Commons retrospectively, to ensure that all conflict decisions are subject to parliamentary scrutiny. Again, it is our view that detailing these exceptions would be less challenging in a parliamentary resolution, as compared with an Act of Parliament. (Paragraph 40)
11. The current convention makes no provision for the advice, regarding matters of fact or law, that is made available to Parliament when a conflict decision is being considered. This is an absence that should be redressed in formalising Parliament's role and could be done either in an Act of Parliament or a parliamentary resolution. The Government could also update the Cabinet Manual to detail what information will be provided to the House of Commons when conflict decisions are considered in the future. (Paragraph 45)
12. We have heard a proposal that a parliamentary committee should be charged with retaining legal advice on behalf of Parliament in relation to the legality of conflict decisions being considered by the House. This would either involve a currently extant committee taking on the task, or a new committee being established to manage this responsibility. We believe this is an interesting idea and that the possibility of a Select Committee taking on the role of reporting to the House on

legal issues relating to conflict decisions should be considered further. (Paragraph 47)

13. We hope that a future Government will seriously consider bringing forward legislation to enshrine Parliament's role in conflict decisions in law, once a parliamentary resolution on the issue has been agreed. We have produced a draft parliamentary resolution which sets out the process we believe the Government should follow to seek approval from the House of Commons on future conflict decisions. (Paragraph 49)
14. *We recommend that the Government consider the draft parliamentary resolution we have produced with this Report, and publish a version for consultation no later than June 2014. Following consultation, the Government should table a motion for the House to agree the resolution no later than November 2014. (Paragraph 49)*

Formal Minutes

Thursday 20 March 2014

Members present:

Mr Graham Allen, in the Chair

Mr Christopher Chope
Tracey Crouch
Mark Durkan
Paul Flynn

David Morris
Chris Ruane
Mr Andrew Turner

Draft Report (*Parliament's role in conflict decisions: a way forward*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 51 read and agreed to.

Annex and Summary agreed to.

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

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

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till 27 March 2014 at 9.00 a.m.]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the Committee's inquiry page at <http://www.parliament.uk/business/committees/committees-a-z/commons-select/political-and-constitutional-reform-committee/inquiries/parliament-2010/parls-role-in-conflict-decisions-an-update>

Thursday 17 October 2014

Question number

Professor Philippe Sands, Professor of Law, University College London

[Q1-9](#)

Professor Nigel White, Professor of Public International Law, University of Nottingham, and **Sebastian Payne**, Lecturer in Constitutional and Administrative Law, University of Kent

[Q10-21](#)

Thursday 24 October 2014

Rt Hon Lord Wallace of Saltaire, Government Whip, Foreign and Commonwealth Office and House of Lords spokesperson for the Cabinet Office

[Q22-46](#)

Published written evidence

The following written evidence was received and can be viewed on the Committee's inquiry web page at:

<http://www.parliament.uk/business/committees/committees-a-z/commons-select/political-and-constitutional-reform-committee/inquiries/parliament-2010/parls-role-in-conflict-decisions-an-update>.

INQ numbers are generated by the evidence processing system and so may not be complete.

- 1 [Professor Nigel White, Professor of Public International Law, University of Nottingham \(PCD 01\)](#)
- 2 [Sebastian Payne, Lecturer in Constitutional and Administrative Law, University of Kent \(PCD 02\)](#)
- 3 [Philippe Sands QC Professor of Law, University College London Matrix Chambers, London \(PCD 03\)](#)
- 4 [Professor Gavin Phillipson, Durham Law School, University of Durham \(PCD 04\)](#)
- 5 [Dr Arman Sarvarian, Lecturer in Law, University of Surrey \(PCD 05\)](#)

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 (Cm 8177)
Eleventh Report	Rules of Royal Succession	HC 1615 (HC 586)
Twelfth Report	Parliament's role in conflict decisions—further Government Response: Government Response to the Committee's Ninth Report of Session 2010-12	HC 1673
Thirteenth Report	Political party finance	HC 1763

Session 2012–13

First Report	Recall of MPs	HC 373 (HC 646)
Second Report	Introducing a statutory register of lobbyists	HC 153 (HC 593)
Third Report	Prospects for codifying the relationship between central and local government	HC 656(Cm 8623)
Fourth Report	Do we need a constitutional convention for the UK?	HC 371

Session 2013-14

First Report	Ensuring standards in the quality of legislation	HC 85 (HC 611)
Second Report	The impact and effectiveness of ministerial reshuffles	HC 255
Third Report	Revisiting Rebuilding the House: the impact of the Wright reforms	HC 82 (HC 910)
Fourth Report	The role and powers of the Prime Minister: the impact of the Fixed-term Parliaments Act 2011 on Government	HC 440 (HC 1079)

Fifth Report	Pre-appointment hearing: The Chair of the House of Lords Appointments Commission	HC 600
Sixth Report	Introducing a statutory register of lobbyists: Government Response to the Committee's Second Report of Session 2012-13	HC 593
Seventh Report	The Government's lobbying Bill	HC 601
Eighth Report	Parliament's role in conflict decisions: an update	HC 649
Ninth Report	House of Lords reform: what next?	HC 251
Tenth Report	The Government's lobbying Bill: follow up	HC 891
Eleventh Report	Impact of Queen's and Prince's consent on the legislative process	HC 784