



House of Commons  
Public Administration  
and Constitutional Affairs  
Committee (PACAC)

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**Government Response  
to the Committee's 20th  
Report of Session 2017–19:  
The Role of Parliament  
in the UK Constitution:  
Authorising the Use of  
Military Force**

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**First Special Report of  
Session 2019**

*Ordered by the House of Commons  
to be printed 31 October 2019*

## Public Administration and Constitutional Affairs Committee

The Public Administration and Constitutional Affairs Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration and the Health Service Commissioner for England, which are laid before this House, and matters in connection therewith; to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service; and to consider constitutional affairs.

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### Committee staff

The current staff of the Committee are Iwona Hankin (Committee Assistant), Gabrielle Hill (Senior Committee Assistant), Sarah Ioannou (Second Clerk), Moonisah Iqbal (Committee Specialist), Libby Kurien (Clerk), Dr Philip Larkin (Committee Specialist), Ben Shave (Media Officer), Dr Patrick Thomas (Committee Specialist) and Jonathan Whiffing (Second Clerk)

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# First Special Report

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The Public Administration and Constitutional Affairs Committee published its Twentieth Report of Session 2017–19, *The Role of Parliament in the UK Constitution: Authorising the Use of Military Force*, as HC 1891 on 6 August 2019. The Government's response was received on 19 October 2019 and is appended to this report.

## Appendix

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On 6 August, The Public Administration and Constitutional Affairs Committee published its twentieth report of the session 2017-2019, *The Role of Parliament in the UK Constitution: Authorising the Use of Military Force*.

The Government thanks the Committee for its work on this inquiry, and agrees that Parliament has an important role to play in the authorisation of the use of military force. However, after careful consideration of the Committee's report and recommendations, and for the reasons set out below, the Government remains satisfied that the current arrangements provide the appropriate balance between Parliamentary scrutiny and operational flexibility.

1. **The royal prerogative has for centuries been the source of legal authority to wage war and conduct foreign relations. The legal authority to order the use of military force today, is still derived from the royal prerogative and the power to deploy the UK's Armed Forces will remain under the royal prerogative unless an Act of Parliament is passed, setting out a new legal basis for the use of that power. However, who exercises these powers in practice has changed as political attitudes and constitutional arrangements in the UK have developed. In practice, the Sovereign no longer has the legitimate authority to exercise this prerogative power, which has for some time been exercised on their behalf, by ministers drawn largely from the House of Commons. The continuance of this convention is essential to the integrity of UK's constitutional arrangements and the legitimacy of the UK's use of military force. This convention is now unquestioned, and as such it is unthinkable that the Sovereign could exercise her own discretion in the use of this royal prerogative. (Paragraph 23)**
2. **The development of policy in relation to foreign affairs and defence is also an executive function and responsibility. It is for the Government to develop this policy and monitor, judge and react to new information that may affect it. It is for Parliament, and in particular the elected House of Commons, to scrutinise, analyse and approve or reject the Government's policy. (Paragraph 24)**
3. **The source of the legitimacy for the exercise of the royal prerogative to order the use of military force has changed over the years. Currently, the Prime Minister, together with the Cabinet, exercises this power on behalf of the Monarch. In a parliamentary democracy it is clear that the authority for the Government to exercise the royal prerogative is derived from having the confidence of the elected House of Commons. This fact in no way diminishes the responsibility and accountability of the Government for its policy in relation to foreign affairs and the use of military force. It is, therefore, of paramount importance that every Member of the House of Commons**

understands that the government of the day ultimately enters into military conflict on the basis of an authority which Members themselves have conferred through the mechanism of the confidence of the House. (Paragraph 33)

### War power conventions

4. Since the Second World War, it has been the practice of successive governments to consult the House of Commons to ensure that the will of the House is supportive of the Government's policy on armed conflict. On a number of occasions, the Government has also sought and been granted retrospective support for military action. The decision to seek prior approval from the House of Commons for the Iraq War in 2003 was the first example in modern times of a government seeking approval in advance of specified military action. While circumstances particular to the question of the 2003 Iraq War were a factor, the decision to seek prior approval from the House of Commons represented a further development of the convention that the government of the day should consult the democratically elected House of Commons in its use of the royal prerogative before the Prime Minister gives orders to use military force. (Paragraph 38)

5. *It is important that the Cabinet Manual recognises that a convention has been in place since the Second World War that the Government will consult the House of Commons to ensure that the Government's policy on armed conflict reflects the will of the House of Commons. The Cabinet Manual should be updated to this effect. As currently drafted, the Cabinet Manual may give the erroneous impression that seeking the view of the House of Commons has been and could be treated as a formality. We further recommend that the Cabinet Manual should be updated to make clear that there are precedents for debates of this nature to take place on a substantive motion and not just on motions for the adjournment. (Paragraph 41)*

The Cabinet Manual recognises that, since the Second World War, the Government has notified the House of Commons of significant military action, either before or after the event, by means of a statement and has in some cases followed this with a debate on a motion for the adjournment of the House (para 5.36).

The Cabinet Manual notes that 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 (para 5.38).

Further, the Cabinet Manual recognises that there is precedent for Parliament having 'the opportunity for a substantive debate' on military action and accordingly cites the precedent of 2003 and 2011 (para 5.37). On these occasions, in tabling a substantive motion rather than a motion for the adjournment (which would only allow a vote on the procedural question of whether the House should adjourn), the Government has allowed the House to approve or oppose the Government's course of action.

The convention recognises that the House of Commons has an important role in expressing its view on the use of military force. The Government recognises this role, and has demonstrated its commitment to the convention by the debates it has held on military action in 2013, 2014, and 2015, and its respect for the will of Parliament on each occasion.

6. **There is a general consensus that the 2003 vote in the House of Commons to give approval for military engagement in Iraq in advance of the commencement of conflict set a precedent. This is a development of the pre-existing convention that the House of Commons should be consulted, to include an explicit vote in advance of major military action (Paragraph 49)**

7. **The vote in 2003 did not itself establish the convention. Rather, it signified a shift in the expectation of Parliament and the British people that was demonstrated through recommendations by committees in both Houses of Parliament. This was also confirmed in the House of Commons in 2007 by approval of an Opposition Day resolution. The Government then recognised that a convention was emerging, and this convention was confirmed by the votes on military action in Libya in 2011 and Syria in 2013. It has for some time been unthinkable that major planned military action would not be openly discussed in Parliament. There is now an expectation that the Government would seek prior approval for such an action, where practicable to do so. (Paragraph 50)**

8. **We have found a general consensus in the evidence to this inquiry that the Government is expected to seek prior authorisation from the House of Commons before taking military action, subject to certain exceptions, such as the need to respond quickly or if it would otherwise preclude open, prior debate in the House of Commons. Furthermore, where exceptional action is taken without prior approval, the Government is expected to come to Parliament at the earliest opportunity to explain and be held to account for its decisions. (Paragraph 55)**

9. **There is consensus around the need for exceptions to the convention that, where possible, the Government will seek parliamentary approval for planned military action. The Government should be able to exercise its judgement about how best to protect the security and interests of the UK. We note that the Government has set out four broad bases under which it might not seek prior authorisation. These are, where it could compromise the effectiveness of UK operations and the safety of British service men and women; to protect the UK's sources of secret intelligence; so as not to undermine the effectiveness or security of operational partners; and where the legal basis for action has previously been agreed by Parliament. (Paragraph 64)**

10. **However, there is also a legitimate concern that the Government will remain the sole arbiter of what constitutes military action such as would require parliamentary approval under the post-2003 convention; what the exceptions to the convention are; and whether the planned military action falls under one of these exceptions. This is of particular importance in respect of clandestine operations and other areas of sub-conflict confrontation which are becoming much more frequent, and this includes instances when Parliament may not even be notified of actions that could quickly escalate into full conflict. (Paragraph 65)**

11. We attach the highest importance to the concerns expressed by former leaders of the Armed Forces about the possibility of parliamentary consultation on proposed military action leading to a protracted decision-making process and the potentially negative implications this could have for military preparations. It is important that Parliament, and in particular the House of Commons, is cognisant of the need for nimble decision-making and the Government would be right to reflect this in the way the convention is applied. (Paragraph 66)

12. In line with our earlier conclusion, it is clear that the reference to the post-2003 convention in the Cabinet Manual lacks clarity. This may have been the cause of some unnecessary uncertainty around the convention. The Cabinet Manual is not the source of this or any other rule, but it is viewed by many as an essential guide. The Cabinet Manual should be an accurate record and give an accurate and up-to-date account of how the convention will be applied. (Paragraph 67)

13. *The Cabinet Manual should be reviewed and updated to set out an accurate account of how the conventions around the use of the royal prerogative power in relation to military action will be applied, together with a clearer exposition of the exceptions to those conventions. References should identify sources of authority and precedent.* (Paragraph 68)

The Government is mindful of the difficulties and risks associated with further formalisation of the convention. The nature of armed conflict is evolving, driven by both the development of advanced military technology and the range of situations in which armed forces might be deployed. The creation of formal definitions today could unwittingly impose further limitations on our ability to act in the future.

The current convention ensures vital flexibility for the Government to act according to the crisis presented, whether that be by allowing military action, and for Parliament to put questions to the Prime Minister after the event, or by Parliament having the opportunity to debate a military deployment in advance, should the circumstances allow.

### **Formalising the convention: legislation and resolution**

14. The decision to deploy military force is an executive function, exercised in modern times by the Prime Minister in conjunction with the Cabinet. While we believe that the involvement of Parliament at the earliest possible stage of decision-making is vital, we consider that any statutory formalisation of this expectation would create new risks. Members of Parliament are not in possession of the depth and quality of information and confidential advice necessary to take on the role of primary decision-makers. We are persuaded by the evidence that any attempt to legislate for all possible contingencies and exceptions would lead to unintended and unfortunate consequences, including the unwelcome possibility of judicial review of government decisions as well as legal action against members of the Armed Forces and consequent uncertainty in relation to the deployment of military force, which could be detrimental to the national interest. We regard it as significant that two former foreign secretaries who had previously been committed to the principle of statutory formalisation have since changed their minds. The Government should, nevertheless, be held accountable for its actions and policies, and Parliament, and the House of Commons in particular, should continue to develop its scrutiny role. (Paragraph 81)

15. We were not convinced by the Government's arguments against setting out the post-2003 convention in a resolution of the House of Commons. We note the Government's concerns in relation to the difficulty of anticipating all contingencies, and the need to adapt to the changing nature of conflict. These are strong arguments which preclude the legally enforceable constraints of statutory codification, but not the political constraints of a resolution of the House of Commons requiring a debate and a vote of the House of Commons. A resolution would provide both clarity and flexibility for the Government to act in ways not previously anticipated, but still within the spirit of the post-2003 convention and the exceptions. (Paragraph 82)

16. *We therefore recommend a resolution that would acknowledge the core convention and work in conjunction with agreed changes to practices in the communication between the Government and the House of Commons. We set out a draft resolution in paragraph 133. We also invite the Procedure Committee to consider whether the procedures of the House of Commons should be changed to allow the Government, in exceptional circumstances, to table without the customary minimum period of notice a motion seeking the authorisation of the House of Commons for military action, to be scheduled alongside previously announced business in similar fashion to the scheduling of emergency debates agreed to by the House under Standing Order No. 24. (Paragraph 83)*

The Government is mindful of the difficulties and risks associated with formalisation of the scurrent convention either by resolution or legislation. As the Government set out in 2016, we cannot predict the situations that the UK and its Armed Forces may face in future. If we were to attempt to clarify more precisely circumstances in which we would consult Parliament before taking military action, we would constrain the operational flexibility of the Armed Forces and prejudice the capability, effectiveness or security of those forces, or be accused of acting in bad faith if unexpected developments were to require us to act differently. Therefore, while the Government remains committed to the convention, codifying the particular circumstances where Parliament should be consulted, and where it should not, would undermine our ability to act.

As the Committee notes, it is customary that a substantive motion, which is related to military action or other matters, can only be considered by the House when it has been tabled before the rise of the House on the previous sitting day. The Government holds that this is an important principle which should be upheld as it allows both the Government and all Members to know in advance what substantive motions they are being asked to consider. The Government believes that, to create an exception to this important rule could have the consequence of preventing all Members from being able to give full consideration to the details of a substantive motion, whether it relates to military action or other business. Of course, any changes to the procedures of the House, are a matter for the Procedure Committee and ultimately the House itself to consider.

## Parliamentary scrutiny

17. **It is the function and responsibility of those in Government to make policy and take decisions. Scrutiny of the Government's policy and actions is a fundamental function and responsibility of Parliament, which falls particularly on Members of the House of Commons as elected representatives. Scrutiny performs a vital constitutional role**

as it ensures that the actions taken by the Government, on the authority of the House of Commons, are checked and where necessary adapted or halted. Scrutiny should give assurance to ministers that they are acting with the confidence of the House of Commons, and give assurance to the public that policies have the endorsement of the House of Commons. It is clear to us that strong scrutiny of Government leads to better decisions. This applies as much to the decisions and policies on military action, as it does to any other area of Government policy and decision-making. (Paragraph 93)

18. The decision by the Government that a particular action or a category of action should not require prior consultation and approval by the House of Commons is one that must be open to full scrutiny. (Paragraph 94)

19. *Where military action is taken under an exception to the post-2003 convention of prior consultation with the House of Commons, the Government should, at the earliest feasible moment, make a statement to the House and, where necessary, seek retrospective approval. The Government should also produce a report setting out in full its reasons for taking action without prior consultation, which should be presented to the Defence Committee. The Committee would then report to the House as to whether it was satisfied or not with the Government's explanation, and its report would be the subject of a debate on the next sitting day on a substantive motion.* (Paragraph 95)

In the event that military action is taken urgently under the exception to the convention without prior agreement of the House, a statement will be made to inform the House as soon as reasonably possible, subject to security concerns and taking into account ongoing operational concerns. The Government agrees that the House should be able to examine such a decision, and believes that the current practice allows adequate scrutiny by Parliament, while preserving vital operational flexibility.

The Government therefore does not believe it is necessary to impose this kind of a standing commitment to report on the basis for taking action without prior consultation. However, all Committees remain free to produce reports on issues that are considered worthy of further scrutiny.

20. The post-2003 convention of prior consultation with the House of Commons developed as a mechanism to ensure that decisions on military action were democratically authorised and accountable. As the debate around the exceptions to the convention demonstrates, direct, prior consent is not always appropriate or possible. However, this does not mean that in these areas there is no need for democratic accountability and authorisation. It simply leads us to conclude that the mechanisms by which accountability and authorisation are achieved must be different. The increasing frequency and importance of sub-conflict confrontations highlighted throughout the evidence poses new challenges both for the Government and Parliament. While we accept that much of this would not, and should not, be covered by the existing convention on prior parliamentary approval, we do not accept the view of the Minister for the Armed Forces that these are not issues for Parliament. On the contrary, it is imperative that the House of Commons considers how it can effectively fulfil its duty to hold the Government to account in relation to foreign policy and defence issues. (Paragraph 96)

**21. *The House of Commons should ensure that the Government continues to ask for its approval for proposed military action in every instance where it is appropriate. Where this is not possible for operational or other reasons, the House of Commons should seek to strengthen its ability to scrutinise the Government's policy and actions in relation to military action and confrontation. In this regard, it is important that the House of Commons does not wait for an issue to reach the point of military conflict before it engages with the substance of it through debate, both in committee and on the floor of the House. Similarly, the Government should not delay, without good reason, in seeking the view of the House of Commons in areas it can see are likely to become areas of concern. (Paragraph 97)***

The Government reaffirms its commitment to the existing convention as set out in the Cabinet Manual (para 5.38), and agrees that democratic accountability must continue to be upheld around decisions to take military action. However, there will always be situations in which reasons of operational security, protection of sources of secret intelligence, and security of the UK's operational partners mean that the House cannot be consulted in advance of military action. The Government agrees that Members of the House should be engaged with important foreign policy issues of the day. Set out later in this response are ways in which this might be achieved.

**22. *We take very seriously, as should every Member of Parliament, the concerns raised by the former leaders of the Armed Forces about the lack of knowledge and education amongst Members in relation to defence and foreign affairs, and their lack of preparedness to engage with decisions on military action. We acknowledge that Members of Parliament come from many different backgrounds and naturally have different policy interests. This variety and breadth of experience and expertise benefits the House of Commons as a whole. However, Members must take seriously their wider responsibility to inform themselves on issues which affect the nation as a whole, and foreign affairs and defence are two such areas. All Members should develop a sufficient understanding of foreign affairs and defence issues so that they are prepared to engage effectively with these most serious of issues when the nation needs them to do so. (Paragraph 107)***

**23. *Whatever the view of the quality of the debate in the House of Commons on the proposed military action in Syria in 2013, there was undoubtedly a failure on the part of the Government to communicate with the House its case for military action. Following the experience of Iraq and Afghanistan, trust between the House and the Government has broken down, and that resulted in the Government's failure to win the support of the House for its proposed military action. The burden is on the Government to provide the House with the necessary information to support its policy. However, given the understandable sensitivity of some of this information, there is a duty on both the Government and the House of Commons to work together to find ways to communicate the necessary information to gain the confidence of the House of Commons. (Paragraph 108)***

**24. *The loss of the five annual set-piece defence debates has had a detrimental effect on MPs engagement with defence and security issues, and this is regrettable. We understand the position expressed by the Government, that it followed the recommendation of the Wright Committee in giving up control of these and other days, and that it is open to Members to request that the Backbench Business Committee reinstate these debates.***

We believe that these set-piece debates formed an important strand of Members' education in defence matters. The House may wish to reflect on whether it should find a way for these defence debates to be reinstated. However, the Government also has a duty to ensure that the House is fully informed on such important matters of State, especially when the Government holds a near monopoly on the flow of information. While current opportunities to scrutinise the Government are comparable with those under previous administrations, we are convinced by the Government's own argument about the need for flexibility to adapt to new challenges and changes in the nature of conflict, and believe that new mechanisms for informing the House of Commons and for providing time for debate, if necessary in government time, should be considered to keep pace with these changes. (Paragraph 109)

25. Developments in the nature of conflict highlight the need for both the Government and Parliament to adapt rapidly to new challenges. We support the Government's view on the importance of retaining flexibility in the decision-making process so that governments can react and adapt to as yet unknown challenges. However, in a democracy such executive flexibility must be subject to democratic scrutiny. The challenges posed by the changing nature of conflict must be taken seriously. (Paragraph 117)

26. We agree with the Government that the uncertainty around these areas such as hybrid and cyber warfare requires flexibility over decision-making, and that direct approval from the House of Commons may not be appropriate or possible. The House of Commons must be flexible and be ready to adapt by keeping itself informed. We judge that the House has work to do to keep abreast of developments in areas such as in hybrid and cyber warfare. At the same time, we accept the need for secrecy around the use of clandestine operations and in relation to intelligence. (Paragraph 118)

27. *The House of Commons should consider how it best manages these competing demands. We are persuaded, for example, that the principle of how special forces and drones are utilised should be considered by the House, even if specific instances of deployment cannot be debated openly. This would both hold the Government to account for its general policy and give the Government guidance in relation to the types of policy which the House of Commons would, in principle, tolerate and support.* (Paragraph 119)

28. Nothing should compromise the ability of governments to use military force when our national or global security is threatened, but a clearer role for the House of Commons is necessary in order to underline the legitimacy of the use of military force, and to give the public confidence that the Government is being held to account. Expanding the role of the House of Commons, and of its committees, and giving them greater and, in some instances, full access to information would strengthen both the scrutiny and development of policy in relation to foreign affairs and defence. There are precedents in other jurisdictions for committees having access to high-level information of this kind. Making the necessary arrangements so that Members of the House of Commons could be trusted to carry the responsibilities that would come with being given access to high-level and top-secret information will strengthen accountability, legitimacy and public confidence in the decisions taken. (Paragraph 130)

29. *The House of Commons must have access to as much of the information as possible so it can carry out effective scrutiny of the Government's use of military force. In the*

*twenty-first century, this means access to all but the most sensitive information at the earliest opportunity. This should include a summary of any relevant legal issues. Committees of the House should if possible be able to scrutinise foreign affairs and defence policy before the point of conflict is reached, so that the opinion of the House is clear and can inform the development of Government policy in advance of the need for military deployment. (Paragraph 131)*

*30. In situations such as the conflict in Syria in 2013, where there was time to debate UK engagement in the conflict in advance, an appropriate committee, such as the Intelligence and Security Committee, with full access to relevant information, would be able to inform and reassure the House of Commons on the scope of the action proposed by the Government. Such a committee should be composed of Members of the House who both understand the trust and responsibility being placed on them in terms of keeping sensitive information confidential, and in whose advice and judgement the rest of the House can have confidence. (Paragraph 132)*

*31. The Government should in its response to this report set out what arrangements it feels would be appropriate for committees of the House of Commons to be given access where possible to the most relevant information which have informed the Government's decisions about foreign affairs, military action and intelligence. (Paragraph 133)*

The Government agrees that the House of Commons should have the information and knowledge to enable them to debate with confidence those situations that come before them. They also need to be able to trust and, importantly, scrutinise those decisions that are made without prior debate. There are a number of ways that Members of Parliament can inform themselves of current defence and foreign policy.

The Government encourages all Parliamentarians to develop a baseline understanding of defence issues and the means to do so are widely available. For example, the Ministry of Defence's own Development, Concept and Doctrine Centre produces regular high-quality publications that are freely accessible. These documents are used routinely to aid and inform MOD decision makers and would enable members of the House to engage productively in debates. In addition, the House of Commons Library provides an independent research and information service that provides politically impartial briefing to Members of all parties and their staff. Their experts publish research and analysis on topical issues and legislation, including on international and defence issues.

As well as top-level information that can be gleaned from publications, there are a number of other ways that the MOD enables Members of Parliament to engage, learn and get involved with how the Armed Forces work. Ministerial briefings are available to peers and it is of note that during the Iraq war the then Secretary of State for Defence offered regular briefings to Members on the situation and progress in theatre.

Another way for Parliament to understand the Armed Forces better is the Armed Forces Parliamentary Scheme which has been in operation for 20 years. It provides a unique insight into everyday life in the military with the objective of helping parliamentarians understand the work of the armed forces. This enables parliamentarians to give genuine, personally informed contributions to defence debates, and to hold the Government to account more effectively. It is open to both houses of Parliament and members of all parties.

There is no more serious decision for a Government to take than to commit our service personnel to combat operations. While the Government agrees the importance for members of the House to remain as informed as possible, there must be limits. There will always be situations where the Government will not be able to share sensitive information with Parliament in order to ensure the safety and security of military operations and service personnel is not compromised. The Government is grateful that this was recognised by the Committee.

But it is right that Parliament holds the Government to account, including after military action has taken place where it was impossible to debate an operation in advance. It should be noted that a number of mechanisms exist to enable Parliament to oversee certain very sensitive Government information, including secret intelligence. These include direct oversight of certain defence related intelligence matters by the Intelligence and Security Committee and, indirectly, through the Investigatory Powers Commissioner; the public reports of both are laid before Parliament to enable wider scrutiny of Government activity without jeopardising national security.

**32. *The House of Commons should consider and approve a substantive motion setting out the core principles of the convention governing the relationship between the Government and Parliament in relation to decisions to take military action. We propose a draft resolution for discussion:***

***“That this House:---***

***recognises that Her Majesty’s Government exercises Her Majesty’s prerogative power to authorise the use of the UK’s armed forces on her behalf on the basis that the use of force is legitimate and has the confidence of the House;***

***recognises that, in order to strengthen the legitimacy of the use of military force and maintain this confidence, a convention has become established that Her Majesty’s Government has a duty to inform and consult the House in relation to the deployment of the UK’s armed forces in armed conflict, and to consult and seek prior authorisation from the House before engaging in military conflict, except in the following circumstances:***

***e) where arrangements for prior authorisation could compromise the effectiveness of UK operations and the safety of British servicemen and women;***

***f) where arrangements for prior authorisation could compromise the UK’s sources of secret intelligence;***

***g) where arrangements for prior authorisation could undermine the effectiveness or security of the UK’s operational partners; or***

***h) where a legal basis for action has previously been agreed by Parliament;***

***(3) requires, in each instance where UK armed forces have engaged in conflict without the prior authorisation of the House, that the Government shall explain its decisions to the House and be held to account for them, and that to this end a Minister of the Crown shall make an oral Statement to the House, or shall provide oral evidence to a committee of the House, on the engagement at the earliest opportunity;***

***(4) requires Her Majesty's Government, in each instance where UK forces have engaged in military conflict, to inform the House of the basis for its policy and decisions by facilitating the provision of all relevant information and intelligence material to such bodies of the House as the House shall determine, under arrangements for confidentiality which the House shall approve.***” (Paragraph 134)

The Government recognises the principle that Parliament is, where circumstances allow, able to debate and vote before military action but also holds that there are necessary exceptions to this rule which go beyond those set out in the Committee's draft resolution. In particular, it is vital that the armed forces retain the necessary operational flexibility to act in an emergency situation or when the House is in recess, without seeking the prior authorisation of the House. Although a resolution of the House, as the Committee recognises, would provide greater flexibility than legislation, there is no guarantee that such a resolution would take account of how the nature of conflict may change over time.

The Government believes that the current arrangements strike an appropriate balance between respecting the role of Parliament in relation to the authorisation of military force, and allowing the Government to act flexibly as circumstances demand. The Government does not believe that codification of this convention would be appropriate. To require Ministers, and in turn military commanders, to consider the text of a resolution of the House to determine whether circumstances engaged one of the provisions which created an exception to the convention, would not be appropriate in a fast-moving operational crisis.

The Government does not agree that a resolution of the House is necessary to secure engagement between Ministers and Parliament in relation to decisions to take military action. The Government is always mindful of its responsibility to make statements to the House or attend select committee meetings and is committed to upholding the existing convention through which Parliament is engaged in decisions about the deployment of military force.