

Public Administration and Constitutional Affairs Committee

Oral evidence: The Role of Parliament in the UK
Constitution: Authorising the Use of Military Force,
HC 1891

Tuesday 30 April 2019

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Members present: Sir Bernard Jenkin (Chair); Ronnie Cowan; Mr Marcus Fysh; Dame Cheryl Gillan; Kelvin Hopkins; Dr Rupa Huq; Mr David Jones; Eleanor Smith.

Questions 177 - 228

Witnesses

Rt Hon. Jack Straw, Foreign Secretary 2001-2006, and Rt Hon Lord Hague of Richmond, Foreign Secretary and First Secretary of State 2010-2014

Examination of Witnesses

Witnesses: Jack Straw and Lord Hague of Richmond.

Q177 **Chair:** I thank our two very distinguished witnesses for joining us this morning on this session on war powers. Can I first ask you to identify yourselves for the record, please?

Jack Straw: I am Jack Straw, former Foreign Secretary and other things.

Lord Hague of Richmond: I am Lord Hague of Richmond, former Foreign Secretary and other things.

Q178 **Chair:** We have until 11.30 am, by which time one of you at least needs to leave. We will intend to finish by 11.30 am, but it would greatly assist us if you would give short and crisp answers. I will endeavour to make sure my Committee also asks short and crisp questions, otherwise I will intervene.

Can I start by perhaps noting that you have both given opinions on this subject over a number of years in Government and in Opposition? I think



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it would be fair to say that these opinions have evolved over time and experience. The objective of this session is very much to find out where we have finished up, and this will be very influential evidence for our final report. We have the First Secretary of State coming in front of us shortly to give evidence for the Government.

You have both previously been very vocal critics of the royal prerogative powers in respect of using military force. Over the past two decades, in part at least due to your efforts, a number of these powers have been removed or placed under greater restrictions through legislation and the development of new practices and conventions. How have these changes affected your assessment of the way the royal prerogative is exercised by the Government?

Lord Hague of Richmond: There have been some changes, yes. In 2003, I argued alongside Tony Benn at a predecessor committee of this Committee that there needed to be a more wholesale bringing of the royal prerogative under parliamentary scrutiny or control, democratic accountability. There have been some changes since then, of course, but in a piecemeal way. The Fixed-term Parliaments Act has been one such change. What we do on war powers has evolved; no doubt we are going to come on to that.

It has not changed as radically or as comprehensively as Tony Benn and I advocated. We were going to bring the honours system under close parliamentary scrutiny and greater control. We were more ambitious than that. It has evolved in important ways, but there is not a general codification of it, I think.

Jack Straw: I agree with Lord Hague, but there has been a lot of change. For example, in the area of security and intelligence, up until 1984 there was no statutory control whatsoever over what the intelligence and security services—and to some extent the police—did. For example, in respect of interception, there was none at all. Until 1994, the existence of the three main intelligence agencies was not officially admitted. The phrase was it was not “averted”. Since then, there has been successive legislation starting with the 1994 Act to place those agencies on a statutory footing and to increase the level of parliamentary accountability and scrutiny over these institutions.

There was a lot of argument before this happened to say that it would lead to a restriction in the role of the intelligence agencies and so on. In fact, that has not happened. What has happened is that they operate these days to high standards. There has been a lot of change. I think it is inevitable that it has been piecemeal because it has to be on a case-by-case basis.

In respect of war powers, I think that is one of the most difficult areas in which to strike the balance. The one thing I am absolutely clear about is that the House of Commons—Parliament—should have the final say in decisions to go to war so far as that is possible and safe.



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Q179 **Chair:** When the Government exercise powers under the royal prerogative, where do you think the democratic legitimacy to do so derives from?

Jack Straw: It derives from the fact that a Government can only exist if it has the confidence of the House of Commons, which is elected. Day by day, there is a high level of scrutiny and accountability of Government. We read these days a kind of trope that the political system is broken. Personally, I do not think it is. What we are seeing is an extraordinary level of scrutiny for what Government are doing at the moment, not least because there is a hung Parliament. It is far greater than in many systems here. In extremis, if the Government do something that the Commons seriously objects to, then they can be removed by a vote of confidence.

Lord Hague of Richmond: Yes, I agree with that. The actions of a Government using the royal prerogative still derive from parliamentary consent and legitimacy, the parliamentary consent for that Government to be in office. Then the question is: what is the degree of scrutiny and accountability and control that Parliament is able to exercise over that? The legitimacy derives from Parliament, in my view.

Q180 **Chair:** How much is the power of a Prime Minister and a Government to deploy military force just one of those responsibilities that you take on when you receive the seals of office? That discretion, that power, that lonely decision, is just one of the responsibilities you have as a Government. You cannot shuffle it off on to the House of Commons and pretend that you are not making that decision on your own.

Lord Hague of Richmond: It is one of those responsibilities, but none of us can now imagine taking a major decision—the Iraq War, for instance, which Jack will know a lot more about than me—without explicit parliamentary consent. It would not be possible or democratically legitimate in this country to do that against the will of Parliament. It is a responsibility for the Prime Minister and Cabinet colleagues, but in an active, functioning, vigorous democracy you do have to demonstrate wider consent where possible.

Of course, there are all the caveats about action that has to be taken rapidly in self-defence, and then the more difficult areas, which I am sure we will come on to, of pre-emptive action or actions that lie somewhere between war and peace, which may be something that becomes much more common.

Jack Straw: Every Prime Minister with whose career I am familiar recognised that the burden that ultimately fell on them alone in respect of initiating military action was a very personal burden and the largest burden on their shoulders. I think that has always been the case. That also applies to senior Ministers, not least to the Foreign Secretary.



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I was there when we made decisions both in respect of Iraq and Afghanistan and in the room when we made decisions about Kosovo and Sierra Leone. There is no way you can shuffle this off. The decision is a governmental one to be made on the initiative of the Prime Minister and senior Ministers and approved by Cabinet. What we are talking about here is whether that is approved.

I would also just add this. Parliament's involvement in decisions on military action has not been linear. Go back to the Napoleonic War: the House of Commons was very heavily involved in decisions about whether to take part in it. There were seven coalitions altogether against Napoleon, and I am afraid I cannot remember which one it was, but I remember reading history of the Napoleonic Wars—and I will dig it out if the Committee wants—and being struck that the Government had to wait until they had assembled a parliamentary majority before they could take action.

Lord Hague of Richmond: There was a huge fuss over the attack on Copenhagen. William Wilberforce was part of that. Do not get me going on the history, although we are sitting in the Pitt Room underneath the great portrait of the House in the 1790s. About 10 years earlier than that the House strongly asserted itself over the American War of Independence and tried to dismiss the Lord North Government and bring the war to an end very actively in the House of Commons to assert control of war-making powers.

Q181 **Chair:** I do not know if the camera is allowed to look at the portrait of William Pitt.

Lord Hague of Richmond: It jolly well should be allowed.

Jack Straw: I hope that Lord Hague has signed copies of his book available.

Q182 **Chair:** Looking at more recent history, yes, there was a vote before we went to invade Iraq, but there was never a vote about how long we should stay in Basra. I do not think we voted about going to Kabul, but we certainly never voted about going to Helmand, and yet that was probably the most intense war the British Armed Forces have fought since the Falkland Islands. Of course, going back to the Falkland Islands was never a vote before we went to the Falkland Islands. It does seem that these are very moveable feasts.

Jack Straw: First of all, I strongly supported our invasion of the Falklands and retaking that—

Chair: We usually call it the “recovery”.

Jack Straw: The recovery, yes. Call it what you like, but the Argentinians had invaded and were there. We needed to have it back. I have never forgotten the debate that took place on a Saturday morning, three hours, on a motion for the adjournment. Although I supported what



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the Government were doing, I thought that the process was risible. It was one of the reasons, when faced with similar circumstances in the early part of 2002 about whether we would take military action against Iraq, I was so determined to ensure that there was full parliamentary process and decision making.

So far as Afghanistan is concerned, Mr Chairman, it is worth bearing in mind that what happened with Afghanistan is that we acted under a United Nations Security Council resolution. One of the complications in this is that if a Government goes to the Security Council to get Security Council approval for military action, which in many cases it will seek to do, and where it is not just an issue of self-defence, and it gets that and it has voted for it, does it then have to go back to the Commons?

So far as Iraq is concerned, yes, you are right. The decision itself was the subject, running up to 18 March 2003, of the most extraordinary parliamentary scrutiny over, quite rightly, the period running back to the middle of 2002. Operational decisions, however serious, after that were the subject of endless debates, as I can testify, in the Commons, but I do not think they could have been the subject of decision making.

On your example about Helmand, my view is that there should have been parliamentary approval for that because that was on the stocks for some months before we went in there. I am saying this with the benefit of hindsight. We should have said this is a clear case where we have to present the issue to the Commons for approval.

Q183 **Chair:** Can I just press you on that? At the time of the deployment to Helmand, we really had no idea what kind of conflict we might be getting into and, indeed, as to whether there would be a shot fired.

Jack Straw: Famously, in John Reid's phrasing.

Lord Hague of Richmond: Yes. This is a very important question, Mr Chairman, because, of course, there is a regular habit through history of conflicts developing in an unexpected way and commitments becoming greater. This is not just a problem in this country. If you think of the Vietnam War and the massive escalation of that by the United States over several years, it was based on a congressional resolution to take action in more limited circumstances.

It is a very difficult question because it would be very difficult to fight a conflict with constant second-guessing in Parliament. Nevertheless, there ought to be some mechanism by which decisions on such matters come under scrutiny, whether that requires secret briefings to be given to parliamentary committees so that they can then alert Parliament to whether they need to have a fresh debate. It ought to be possible to have some kind of procedure that allows for a conflict developing in an unexpected way and particularly becoming a much more extensive one.

Q184 **Ronnie Cowan:** On the last comment there about committees making



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these decisions, we have seen how the National Security Council manages to leak information, so maybe it is a secret-secret committee we need if this place is anything to go by.

We have heard that the way in which decisions on commencing military action have been taken have varied greatly between different Governments. How in your experience are those decisions made?

Jack Straw: First of all, on this issue of the National Security Council, I am, like everybody else, completely opposed to any leaking of such material. It is worth bearing in mind that, to the best of my knowledge, since the Intelligence and Security Committee was set up, composed entirely of parliamentarians, there has never been a single leak from that. I think that there is clear evidence that in the right circumstances parliamentarians can be trusted.

Mr Cowan, in my own experience obviously as a member of the Labour Government where Mr Blair and Mr Brown were successively Prime Ministers, over Kosovo, when I was Home Secretary, not Foreign Secretary, that decision arose because of revulsion against the paralysis in the international community about what was happening to the Kosovo Muslims, and a determination by Mr Blair and many others—but he was in the lead on this—to see some intervention, which is what happened.

On Sierra Leone, it was very much a UK issue alone for us, but again there were innocents being slaughtered in vast numbers and we needed to intervene. The initiative was taken in both cases by Mr Blair and approved by Cabinet.

With Afghanistan, the trigger for that was 9/11, which took everybody by surprise. There was then a very speedy assembly of an international consensus for action to be taken, an ultimatum given to the Taliban Government, and there was never any issue about the legality of the action we took. It was taken under successive Security Council resolutions.

As far as Iraq was concerned, again, the provenance of that was 9/11 and the change in the United States' assessment of its own risk. The history of what then happened is well charted in the Chilcot report as well as many other academic volumes. The initiative obviously was taken by the Prime Minister that we needed to be involved in the matter, but there was then an evolution.

Q185 **Ronnie Cowan:** In terms of Government, how much does it fall on the Prime Minister using royal prerogative to take this sort of action and to push us towards the commencement of military action?

Jack Straw: I am sorry, how far was—

Ronnie Cowan: How much power lies simply with the Prime Minister in that situation?



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Jack Straw: No, it does not lie simply with the Prime Minister. Obviously, the degree of power that a Prime Minister has depends critically on the size of the Prime Minister's majority in the Commons. It is a self-evident truth now, but neither Margaret Thatcher nor Tony Blair would have had the natural power and authority they had if they had had a wafer-thin majority in the House of Commons. Both had majorities for the most part of well over 100 for their period of Government. For Tony Blair, it was 50 in the last two years of his premiership. He took the initiative, but there was no way that military action could have been agreed in respect of Iraq without the approval of Cabinet.

Q186 **Ronnie Cowan:** The information provided to Cabinet has been questioned since.

Jack Straw: I am very happy to go into the details of the information that was provided, and Chilcot has also examined that in 24 separate volumes. However controversial it is, there was a greater degree of parliamentary scrutiny leading up to the decision, and one of the results of that in the late spring and early summer of 2002 was to make it plain to the British Government by the British Parliament in an osmotic process that there was no way military action would be approved were it to take place without the involvement of the United Nations. That led to the most intensive diplomacy in the summer of 2002 with the United States to get it to agree to go down the so-called UN route.

Chair: I think that we must try to avoid rehearsing the Chilcot inquiry.

Jack Straw: I am happy to do so, but I am also happy to—

Lord Hague of Richmond: In 2010, we set out from the first day of the coalition Government to formalise the governance of these decisions within the Government by creating the National Security Council. All of the decisions that I was involved in about military action on any scale were taken at the National Security Council, then with subsequent reference to the Cabinet.

Small scale in Cobra—for instance, authorising hostage rescues, deployment of special forces on a small scale—that was done by the Prime Minister or Foreign Secretary in consultation with others at Cobra. A decision, for instance, about the Libya conflict we made in the National Security Council.

A lot depends, of course, however you formalise these things, on the personality and judgment of the Prime Minister. I agree with Jack that that is not that Prime Ministers can then overrule the judgment of their entire Cabinet or senior colleagues. They have to take them with them.

The personality of Margaret Thatcher made a huge difference to what happened over the Falklands. One could say that with Tony Blair and Iraq. There is a basic judgment of a Prime Minister that does lead the debate. In creating the NSC, we did create the formal mechanisms so that military chiefs, heads of intelligence agencies, senior Ministers and



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senior officials do all sit together and deliberate formally together before coming to the Cabinet and Parliament.

Q187 **Ronnie Cowan:** Going forward, must the NSC lay out an exit strategy for any intervention?

Lord Hague of Richmond: It would be a strange National Security Council in which that was not discussed about military action. However, that is a question about the merits of intervention rather than the governance of it. Of course, a good military operation has an exit strategy, as I am sure one that turned out relatively straightforward like Sierra Leone did. Not all do, because some are taken in an emergency.

I have stood and probably Jack has stood in Kigali commemorating the Rwandan massacres on anniversaries where you stand on the graves of hundreds of thousands of people, and we always stand there and say, "We will never let this happen again". If it ever was about to happen again and we took action, we would not necessarily have an exit strategy. We would be saying, "This is our duty to intervene to protect. We have a responsibility to protect". Whether you have an exit strategy depends on the situation. There was no exit strategy from the Second World War.

Q188 **Ronnie Cowan:** What do you want the desired outcomes to be?

Lord Hague of Richmond: Seeking an outcome is different from having an exit strategy, as everybody might know about Brexit and many other things at the moment.

Jack Straw: Mr Cowan, of course it would be neat to have an exit strategy, but Lord Hague is absolutely right in saying that you cannot predict these things. If you are a decision maker, particularly in respect to military action, you have to be aware of the fact that military action is violent, and violence is chaotic and unpredictable in its outcome. That is why it is very difficult to think of any large-scale military action in human history where the outcome has been as predicted.

One of the things it is very difficult to predict is the reaction of the people you are fighting. There is no way out of it, but I am glad Lord Hague has mentioned Rwanda, because of course there are always many objections to taking military action, but it is worth bearing in mind there are also many more objections to sitting on your hands.

Q189 **Mr David Jones:** Could we explore further the nature and extent of the convention that Parliament is consulted before military action is started? We have had evidence from senior military officers, from academics and from Government that such a convention exists, but there is uncertainty about the scope of the convention and also the processes that underpin it. What do you understand the convention to be? Do you think that there are areas of uncertainty of the sort that I have just outlined?

Lord Hague of Richmond: There are uncertainties. I read the note that I think this Committee has been looking at from Dr James Strong of



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Queen Mary University, which I thought was a good definition: that the convention as it stands is that MPs should have the right to veto major overseas military combat operations unless the emergency nature of the situation or the clandestine nature of the operation proposed precludes open prior discussion. That is not a bad statement of where we stand today.

Of course, there are then many areas of uncertainty. Those have been highlighted by the decisions made over military action in Syria in recent years. In 2013, when I was Foreign Secretary, we came to the House of Commons, as colleagues will remember, for permission to launch military action and were refused it.

More recently, the current Government have taken military action without coming in advance to the House of Commons. That is clearly an area of uncertainty. What do you do if the judgment of the Government is to take a limited one-off military action in concert with allies and you are satisfied it is the right thing to do but you do not think, as the Government, that it merits days of parliamentary debate about that in advance? That is an area that is now in contention I think between Government and Parliament.

Q190 **Mr David Jones:** How would you say that that uncertainty should be addressed?

Lord Hague of Richmond: I think that it should be addressed in some way. I do not think it is satisfactory to say we are just going to live with that. Of course, it is possible in a constitution that is heavily based on convention still to say there are some things we are just going to live with and at least they give us the flexibility to develop over time how we do things. Nevertheless, wherever possible, if we believe that democratic legitimacy is important, that accountability and scrutiny are important and that better decisions are made if they are scrutinised by Parliament, we should keep trying to improve and codify this process where possible.

I referred to this briefly before, and the Committee will have looked at more options in more detail than I will have thought about, no doubt. I do think that there should be some greater involvement of the committees of Parliament in having a higher level of information and briefing, who are then able to give views to the House as a whole. I would do that through several committees, rather than placing immense power and authority on one small group of Members of Parliament.

Something like that would be the way to enhance parliamentary scrutiny, every time we want to show a regime like the Assad regime that they cannot use chemical weapons, and we want to fire a small number of cruise missiles from a submarine without putting British forces in great danger, without having days of debate and argument about that as if we were doing another Iraq. There should be some codification and some intermediate procedure, because we are going to have more situations that are intermediate in that way.



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Jack Straw: Mr Jones, I agree with that. By the way, in terms of the formality with which Governments should take the decision, which is a crucial prior stage, I strongly support the establishment of the National Security Council. It was a major constitutional change. Had the NSC been there in the run-up to the Iraq War, I am quite clear that the decision would not have been different but the legitimacy for the decision would have substantially improved, as it were—the optics of it.

We should try to set down better the circumstances in which the Commons should be involved in military action. However, because there is widespread agreement that the Commons cannot sit in the place of Cabinet or the Prime Minister and the Foreign Secretary, and because some decisions have to be effected and implemented without coming to the Commons, there is always going to be a grey area where it will be a matter of judgment for the senior Ministers of the day as to whether the Commons is involved.

Having a committee—it should not be too large but it could be members of the ISC—and senior members from the Foreign and Defence Select Committees available to be brought together under strict obligations of secrecy to actively consider whether matters should go to Parliament is something that should be thought about. Even in those circumstances, it would obviously be risky for Government if that Committee said it must go to Parliament and the Ministers said, “I am terribly sorry. It is now very urgent. It cannot”, but that I think would improve things.

Q191 **Chair:** Can I just point out that Sebastian Payne from the University of Kent basically told us in evidence that the uncertainty about the convention that we are discussing makes it rather pointless because there is so much flexibility that there is not really a convention to observe?

Jack Straw: I do not agree with that, with respect. There is now the clearest possible appreciation by Ministers of every party that if there is a major decision to be made about military action, it has to go to the House of Commons for approval and it has to be on a substantive motion. That is the big change compared with the decisions in respect of the Second World War, Korea and, indeed, the Falklands as well. I think Mr Payne—it may be Professor Payne—is simply wrong about that.

Q192 **Chair:** Lord Hague, you keep mentioning putting British servicemen’s lives at risk. Is that the threshold? Is that the issue? You made a distinction between that and just letting off some cruise missiles that do not put British servicemen’s lives at risk. Is there a different quality of decision?

Lord Hague of Richmond: It is a factor, but of course it is not the only factor. I do not think you could just say that makes a difference because, of course, I mentioned hostage rescues earlier. I was involved in taking decisions about three of those. You are absolutely putting people’s lives at risk, including the life of a hostage, but you do it because you think there is no remaining alternative, and certainly of the forces that go in to



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rescue them. That is on a small scale relative to some of the actions we have been talking about, but you are putting those people's lives at risk as much as if they were involved in a wider war. It is a factor.

I agree with the reply Jack has just given about the assertion you were quoting that the convention is worthless because of these uncertainties. I think we know for sure now that in another Iraq, another Libya, another Falklands, the House of Commons would have to pass a substantive motion. That is not worthless.

What is difficult to illustrate is that it is also difficult to frame legislation. Of course, for those of us who long advocated legislation, when we came up against the, "How do you do it?" we found there would have to be so many exemptions for surprise situations, for special forces operations, for how you deal with drones. In future, how do you deal with what happens in cyberspace and so on? You would end up with such a list of exemptions, it would not be clear that you were strengthening the convention by putting it into legislative form. That is one of the dilemmas about legislating on this.

Q193 Chair: When the 2013 vote was lost, did it not cross your mind that maybe this should have been a decision that the Prime Minister had taken with the Government on his own, rather than one that was referred to the House of Commons? Obviously, you must have thought that was the wrong decision.

Lord Hague of Richmond: We certainly thought it was the wrong decision, although we respected it. Of course, the Government then absolutely respected the decision of Parliament.

I think that we probably did in several ways judge it incorrectly, but since all we had ever had in mind in that situation was a rapid, limited, one-off operation, not boots on the ground and becoming involved in a wider conflict, in retrospect, as indeed we saw last year when the Government took military action on Syria, it would have been better to make that decision.

At the time, we had got so much into the way of thinking that we are discussing—that there is a parliamentary convention, we must go to the House on military action—that we ended up in the House advocating a much smaller military action than on the previous occasions but not able to fully explain for good operational reasons just how limited it was going to be, and then a misunderstanding can arise in Parliament.

Jack Straw: I think that the Syria example and that debate on 29 August 2013 is a really interesting case study. Those of us in the House at the time all remember this acutely. What increased the drama and the pressure on both sides was the fact that Parliament had been recalled just a week before it was going to come back in any case from the summer recess.



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I was on the cusp of whether I voted with the Government, with my own party, the Opposition, or abstained, and so were a lot of colleagues. This is obviously hindsight, but if there had been more time and, crucially, if there had been this standing arrangement for consulting senior Members of Parliament—I am not just talking about the Leader of the Opposition, who is in the most invidious position of all, but senior parliamentarians—in advance, and if the vote had been delayed until the following week, which it easily could have been, the Government could well have ended up with a different decision.

Chair: We must move faster and I must shut up.

Q194 **Dr Rupa Huq:** I have a devil's advocate-style question. Why is parliamentary scrutiny before military action appropriate at all?

Jack Straw: Why is it appropriate at all? It is appropriate because a decision to go to war is the most serious decision any Government can make. If you believe in a democracy, you must believe that the most serious decisions made by Cabinet should be the subject not only of scrutiny but, where possible, of advance endorsement as well. If you think that Parliament has a right to decide on the National Health Service—very important—still more it does on military action, which can completely change the nature of our society if it goes wrong.

Of course, you are putting your own principally young men and women in harm's way. Some of them will be killed. More will be maimed. You are also putting at risk innocent civilians on the other side and also human beings who happen to be in the armed forces of the other side, so it is a huge decision. That has always been understood. Governments that have tried to act without parliamentary approval in one way or another, parliamentary consent for military action, have floundered.

It is also just worth bearing in mind that in two examples I can think of, in the middle of intense military actions in the Crimea and the First World War, Parliament has taken very, very serious grip of decisions, as the House of Commons did over Sebastopol during the Crimean War, and also over Gallipoli as well.

Lord Hague of Richmond: Can I just add a point? I agree with this argument, but the additional point is that where there is a build-up to military action, where a premeditated decision to wage armed conflict is being made—as over Iraq, for instance—there is now in a modern, vibrant democracy intense debate among the people of the country and the media of the country. It would be bizarre if Parliament did not take part in that debate and give its view on that debate. The action would move out of Parliament. I think that it is the legitimacy of the decision, but it is also the relevance and role of Parliament in a modern democracy.

Q195 **Dr Rupa Huq:** At the same time, the whole Labour Government is only remembered for the Iraq War, sadly, and a million people marched on the



streets. It is always seen now—

Jack Straw: I do not accept that. It would be helpful if successive Labour Leaders of the Opposition after 2010 had not declared a year zero on the Labour Government and were celebrating, in my judgment, huge other achievements of the Labour Government. If your own leaders wish to characterise 13 years of rather good government—

Lord Hague of Richmond: I am not getting into this Labour strife.

Dr Rupa Huq: I think you would recognise we have both gone a lot greyer since then. Anyway.

Jack Straw: I am not going on about Brexit, thank God.

The Iraq War was a huge decision and the war did not work out as intended, and it is quite right that those of us directly responsible for those decisions, principally Mr Blair and myself, should have been the subject of the most intense scrutiny subsequently. Anybody who had to give evidence as I did over three successive days to the Chilcot inquiry and then answer hundreds of pages of questions thereafter before they published their final report will know this was an intense process, but it was entirely legitimate and right that it should happen.

Q196 **Dr Rupa Huq:** Is the current convention satisfactory? What other ways could you do it?

Lord Hague of Richmond: I do not think it is satisfactory. It is broadly correct, but it has areas of uncertainty, as we were just discussing. The choice is whether to live with that uncertainty, or—what I would favour—some effort to codify it better, to improve it, so that the type of situation we were just describing over Syria, where there was a serious misunderstanding between Government and Parliament, is avoided as much as possible and where, if Parliament does reject a Government proposal for military action, it at least does so on the basis of a better understanding of the options and the type of action contemplated.

I think that what we have both been suggesting—although we have not conferred about it in advance—is some enhancement of how the committees of the House work. I would go that way rather than trying to legislate—which was my view until the experience of Government—for all eventualities, which practical experience suggests would be an almost impossible thing to do.

Jack Straw: I will just add to that. I agree with what Lord Hague is saying. If you are going to codify it, then you go down the route of a Standing Order, which of course would also contain caveats, but it is not the same as trying to legislate.

Q197 **Dr Rupa Huq:** Lord Hague, in 2011, when you were in Government, you committed that there would be a statutory role set out. You said it was practically not deliverable. Do you want to tell us a bit more about that?



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Lord Hague of Richmond: It was my long-held view, as I have frequently expressed, about the royal prerogative in general. When we came to the House over intervention in Libya in 2011, I also said it was the coalition Government's intention still to put this on a statutory basis—that we would have to do that, with the full agreement and encouragement of the Prime Minister of the time. That was not just me on a whim standing up and saying we were going to do that. The Government then did look at this in great detail over the following couple of years.

I slowly and reluctantly changed my view about it. I ended up in a small minority anyway on this issue because the view of the Attorney-General of the time, the Defence Secretary of the time and the military chiefs of the time was that we would discover, in an effort to enshrine this in law, that it was very, very difficult to frame all the contingencies that might exist, and there was a danger of decisions about military action ending up in the courts, which probably none of us would see as a good way to make such decisions.

It is not fashionable in politics to change your mind, but those of us who have left front-line politics can change our minds as much as we want. I basically have changed my mind about this. I do not think that means we give up trying to improve the way it operates and codifying the situation, but I now think it would be a mistake to try to legislate on this subject.

Jack Straw: Just to add to this, in Government, when we published "The Governance of Britain" programme in July 2007 and I was the lead Minister on this, personally I was very clear that legislation was the best route. We ended up with a form of words in this White Paper saying, "On the one hand" and, "On the other", making reference, Mr Chairman, to a previous Public Administration Select Committee report, "Taming the Prerogative" back in 2004, which went through the same issue, and a Lords report.

Over time, Dr Huq, I have come to a similar view as Lord Hague. I will just make this point. It is worth bearing in mind that if you have legislation that is trying to put into practice a convention and also avoid ending up in the courts, you end up with mush. Section 2 of the Constitutional Reform Act 2003, which set up the Supreme Court and all the rest of it and changed the role of the Lord Chancellor—I have a personal interest in this—lays down all sorts of qualifications for future Lord Chancellors.

Of course, as the first one to be selected under this process, I ticked all the boxes because by happenstance I was a lawyer and reasonably senior. If you look at it and then look at who subsequently has fulfilled that role, you can see that, in fact, it has not constrained the discretion of the Prime Minister at all, and it frankly would have been far better for the Prime Minister of the day to have given an undertaking to the Commons,



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which probably would have had more power than what is just a piece of mush in section 2.

Q198 **Dr Rupa Huq:** Both of you have shifted, because I think that you are both on the record as saying that these things do not work unless they are—

Jack Straw: As Keynes famously said, “If the facts change, I change. What do you do?”

Dr Rupa Huq: That is another referendum, I would say, but that is another issue I am not going to go into today.

Q199 **Kelvin Hopkins:** In the context of war powers, do your previously expressed concerns about the balance of power between Parliament and Government remain the same, given our recent experience of the realities of minority Governments and Governments with small majorities?

Jack Straw: If you have a wafer-thin majority or no majority at all, it is bound to mean that all decisions of Cabinet are constrained because you are under constant risk—not least, of losing a vote of no confidence and ending up with a general election. The constraints are inevitably much greater.

To go back to something I said earlier, Mr Hopkins, the power, influence and authority of Prime Ministers, in my judgment, are directly related to the majorities over which they preside and which they have secured themselves as leaders. Of course, both in Mr Blair’s case and in Margaret Thatcher’s case, one of the reasons they got these majorities was their unquestionable personal and political skills.

In Government, we had to take account of the numbers on our own side who would disagree with us, but with the majorities, as we had between 1997 and 2005, of well over 100, we could always discount—including yourself, I remember—quite a number of people who disagreed with us and still be assured of a majority. If we were sitting in a Cabinet today, same people but with this parliamentary arithmetic, our decisions would be very different.

Q200 **Kelvin Hopkins:** It does make a difference, of course, if the Government in power with a small majority or even a big majority know they can rely on substantial support from the Opposition as well.

Jack Straw: Of course, and without that in respect of Iraq, military action would not have been approved.

Lord Hague of Richmond: I think that the change in parliamentary balance of the prevalence of large majorities does make some difference. When I was making that argument alongside Tony Benn in 2003, it was against the background of the normal state of British politics, which was that one side or the other had a big majority. That is not the normal state of politics anymore in this country.



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For me, the main reason I have changed my view over the years, though, is the practical experience of Government and the difficulty of legislating on this issue, but it makes it easier to find a way of making the convention work well that Parliament is now more assertive than it was in 2003 in general. Members of Parliament behave in a way that is more independent of parties than in 2003, although people like your good self, Mr Hopkins, have always behaved in that way. That is now more generally true. I think that does give more hope to making a convention work satisfactorily.

Q201 **Kelvin Hopkins:** I have to say it was not mischief; it was just a principled belief in certain things.

Lord Hague of Richmond: Absolutely, yes.

Q202 **Mr Marcus Fysh:** The UK rarely engages in military action alone. How has greater parliamentary involvement in authorising force affected discussions with international partners?

Lord Hague of Richmond: This is an important question. Jack Straw was saying earlier that what happened on Syria in 2013 is a case study or should be a case study. It is on this matter as well, because part of the difficulty over the timing of a vote in the House of Commons was trying to co-ordinate any military action with allies. In the case of Syria in 2013, the first instinct of President Obama was to take very swift action, which actually President Trump has done on subsequent occasions where chemical weapons have been used. There were many good military and political arguments for that.

One of the things that slowed down the decisions of the United States was when we, the British Government at the time, explained, "While we think it is right to join in with you, we have to go to the House of Commons". That is why we ended up recalling the House of Commons during the August recess.

You can still make an argument for or against parliamentary scrutiny on those occasions, but it certainly complicates relations with allies, and the mere fact of a debate having to take place and Parliament being reassembled can make all the difference to whether allies embark on their own military action or not.

Jack Straw: Just to add to this, you often have two things going on. One is co-ordinating the action with allies, and the second in some cases, not all, is seeking approval from the Security Council, where you are dealing with your potential military allies but you are also working hard to get a consensus within the Security Council, critically among the P5.

There is quite an interesting constitutional question, which I raised earlier. If you have ended up getting a Security Council resolution under chapter 7 authorising military action in the Security Council, do you still need approval in the House of Commons? Where would it leave a Government that has exercised its vote in the Security Council in favour



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of military action if it is then defeated? Looking very stupid, to say the least of it. It is partly a question of timing and sequencing.

In respect of Afghanistan in September 2001, we had resolutions in the House of Commons about this in late September and then events moved very swiftly in the Security Council. Frankly, although it was very public that we were assembling a force to invade Afghanistan and you cannot do that secretly, we needed to move pretty swiftly as well and have a fair degree of discretion. My recollection is that we certainly did not go back to the House of Commons for further approval, but it was obvious that there was a consensus anyway behind what we were doing.

Q203 Mr Marcus Fysh: Should there be a parliamentary approval process for any future treaties in security or defence that the UK might make with the European Union?

Jack Straw: One of the changes I did get in and got in through legislation—I gave evidence to a Lords Select Committee about this not so long ago—was to legislate to give Parliament a proper power over the ratification of treaties. Before that, both the signature of treaties, which is an Executive act, and ratification were seen as entirely prerogative acts. There was a process called the Ponsonby Rule, which was arcane beyond belief and did not work, which was allegedly a means of parliamentary scrutiny. That has changed and improved.

Lord Hague of Richmond: I agree with that. I think there is a good case for that.

Q204 Dame Cheryl Gillan: Both of you have now reached the decision that legislation is almost impossible, having started from a base that it was necessary. I presume what has really contributed to that is the fact that it is much harder to define what the nature of warfare is or the deployment of military force.

I just wondered whether reaching that decision has also taken it further away from the opportunity of Parliament considering and authorising military action or what could be deemed to be military action. Let us face it, we have the increasing use of hybrid warfare. We have cyber that you mentioned just now, Lord Hague. Social media. Money. Proxies. All sorts of things. You have things like the People's Liberation Army in China increasingly looking at space warfare and considering that an integral part of warfare in denying adversaries access and all the other things.

How realistic is it that Parliament can look at these things, consider them, and then authorise them?

Jack Straw: We have to take account of the fact that the nature of warfare is changing and will evolve because of these huge changes in technology. There will be more proxy wars or more efforts made to secure the political end of what would otherwise be military action by other means.



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That said, Dame Cheryl, I think that until the end of time there are going to be situations where a force has captured a city or a town: we have seen that, obviously, in Syria and Iraq, we have seen it in plenty of other places, and it is going on in Libya at the moment.

If you make a judgment that you want to liberate or recapture that city or town, it ends up having to use infantry. If you want to save lives at the same time, ultimately it is about young men and women on the ground, protecting them as far as possible, but I do not see that all of this additional technology is ever going to eliminate the possibility of street by street and house to house fighting in appropriate and necessary circumstances.

Lord Hague of Richmond: It does not eliminate that possibility, but I think there will be more circumstances where it is not clear whether there is a state of war or peace. Dame Cheryl's question refers to hybrid warfare. I have advocated in some things that I have written NATO needing to update its collective defence commitment to deal with situations where a member of NATO has not been physically attacked, or no one is acknowledging attacking that member, but it clearly is under attack in some form of hybrid warfare. NATO should then be able to take some collective action that stops short of full-scale military involvement, but nevertheless might have some physical effect on an outside party.

It is then very difficult to define whether that is military action or not. It is one of the problems in trying to frame legislation on this subject. I do not think it would be right to say, "All of this is going to get much more difficult in the future. Therefore, we will have more areas of uncertainty in our convention and Parliament might be less involved in some of these things". We have to try to find the answer to that.

Again, I think that the answer is providing for the inclusion of Parliament—I am again coming back to the idea of certain committees of Parliament—to a higher level of briefing, education, information and discussion so that they can at least give their opinion to the House as a whole, which then informs whether there is a debate and decision by the House as a whole.

Q205 **Dame Cheryl Gillan:** Does it not also arise that in traditional warfare—you referred, Mr Straw, to taking it street by street—it is not always necessarily going to be state actors or even identifiable groups? I was just thinking of the interference in the computer systems of the NHS, which then involved military technology and military fixes to have a look at that as well.

Does this not add a further layer of complication? Does it not then lead towards exactly what Lord Hague is saying—some specialist group within the House that has that knowledge that Members of Parliament and Parliament can rely on for non-partisan, almost non-governmental advice as to the course of action?



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Jack Straw: Yes, I agree with you.

Lord Hague of Richmond: And I agree with myself.

Dame Cheryl Gillan: Good policy!

Q206 **Eleanor Smith:** When action has been taken prior to parliamentary consent should the Government always seek retrospective approval?

Jack Straw: Not always, Ms Smith, because some operations, as Lord Hague has indicated, have to stay secret altogether, most obviously operations by special forces, which are important: they can only be effective if what they do and how they do it is kept secret before and after the event so far as possible.

With other actions the principle should be that if it has not been possible to gain approval for what would turn out to be quite large-scale military action in advance, for reasons one could suggest, yes, of course the matter should be subject to retrospective approval by the Commons. In practice, that would be bound to happen, because if the military action became public but it could not have been made known in advance in public, then there would be an inevitable demand for debate and approval by the House of Commons. It would be a really stupid Prime Minister and Cabinet that did not offer that.

Lord Hague of Richmond: I agree with that answer. You have to judge it on a case by case basis. Another thing that has changed is, as I talked about earlier, how Parliament is more assertive and Members of Parliament are more independent than 15 or 16 years ago. There are also more opportunities for Parliament to hold debates that are not at the instigation of the Government than there were 15 years ago. If Parliament really wants to debate something retrospectively, it can find a way to do so. A sensible Government would always take note of Parliament wishing to do so and make arrangements for it.

Chair: We must speed up. We have less than half an hour left.

Q207 **Ronnie Cowan:** Military leaders have expressed a concern to us that Parliament holding an open, transparent debate in advance of military action could hand a degree of initiative to potential adversaries. Where does the balance between the effectiveness and agreed legitimacy of military action lie?

Jack Straw: Again, sorry to have to say this, but it is on a case by case basis. If you were dealing with, say, the build-up to military action in Iraq, it did not need a parliamentary debate to expose to Saddam Hussein the preparations that were being taken by the coalition. There were 46,000 UK personnel alone being assembled in the Gulf and that wider theatre and hundreds of thousands of US and other troops. It was perfectly obvious what was being planned, and it would have been impossible to go to the House of Commons and say, "I am terribly sorry,



we cannot let you into the secret”—which was now worldwide—“because of fear of alerting Saddam”.

In other cases, so this is where a decision has been made on the merits at the time, for sure there would be perhaps an understanding that military action was going to take place, but military leaders were advising that they needed the widest range of discretion and also as much surprise as possible. In that case, it would make the duty on the Government not to go to Parliament easier if there was a way of explaining that secretly to a committee of leading parliamentarians.

Lord Hague of Richmond: Yes, again I agree with that. It is entirely possible to envisage circumstances where it is advisable or necessary to take pre-emptive military action but where that would not be effective if there were prior, open discussions about it. We have not had many or any of those cases in recent years, but it is not difficult to imagine such circumstances.

What we have had, again going back to the Syria case in 2013, is where we have been considering an act of retribution against the Assad regime in this case. It was still very difficult to explain in advance what we were going to do, and that is one of the difficulties then of winning the trust and confidence of Parliament. There is an understandable fear, given some previous conflicts and how they have developed, that if Parliament authorises military action we will be drawn into a very extensive conflict without the exit strategy that you were asking about, Mr Cowan, earlier.

The Government might well want to say, “Do not worry, we are only going to take very limited or one-off action here and have no intention of doing anything after that”. However, to say that openly to the regime that you are trying to dissuade from inflicting more misery on its people obviously is a major constraint or can give away to their own armed forces what you are proposing to do.

It is a very difficult area, and the military chiefs who have talked about this are right to raise it. Again, the only answer I can think of that improves the situation is the one that Jack just mentioned of being able to brief in more detail confidentially a committee of leading parliamentarians.

Q208 **Ronnie Cowan:** It was mentioned quite extensively in your Green Paper, “The Governance of Britain”, and you covered both those scenarios: should we have more open debate about it, but how do we protect our armed forces? Then you mentioned further briefing, but further briefing to whom? How qualified are we to make these decisions in the first place?

Lord Hague of Richmond: Hopefully, the elected representatives of the people are qualified to make judgments in a democracy but, of course, this would benefit from a higher degree of information and education. It would be important that it was not just a one-off exercise; in other words, that Members of Parliament charged with this responsibility were



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engaged in a regular enhancement of their knowledge and understanding of these situations, of the choices being made by Government, the capabilities of armed forces, and the activities of potential adversaries. It would be a bigger commitment than just coming to a meeting once when military action was envisaged.

Jack Straw: Ministers would not be going to that committee, if it existed, to ask for them to make the decision that Ministers should make. This is absolutely critical. It is not a way, and it cannot be a way, of the Prime Minister, the Foreign Secretary and the Defence Secretary shuffling off the responsibility on their shoulders and that of Cabinet or NSC for a decision that has to be theirs and for which they are accountable. It is a way, however, of sounding out opinion and hopefully building up a consensus for it. There could be circumstances where this committee was consulted, it was split, and a judgment was made by Ministers that it was still necessary to go ahead.

Lord Hague of Richmond: Yes.

Q209 **Dr Rupa Huq:** A Government can ultimately be held responsible for its use of the royal prerogatives, as it can for any decision, by a vote of confidence. Tony Benn has been much mentioned; he said that that was like detonating an atomic bomb. How appropriate do you think this mechanism is for managing decisions about military action?

Lord Hague of Richmond: It is not a very sensitive instrument for managing decisions about this. Of course, it is not the only mechanism available to Parliament, as everyone around these tables will well know. Parliament can pass a whole variety of different motions that censure a particular Minister, or disapprove of a particular action, or present an address on a particular issue, or withhold spending authority from a Department. There are many ways of showing disapproval of a decision without voting out the entire Government. Therefore, I do not agree with the analysis that Parliament only has a nuclear bomb if it disagrees with a decision on military action.

Jack Straw: Absolutely. I think that Tony Benn on this issue, as often on some others, was slightly wide of the mark. If you are a Minister, the level of accountability for which you are subject by the House of Commons is real, and it has greatly improved in recent years, as Lord Hague has pointed out. You have Select Committee evidence sessions. If you are faced with a three-hour Select Committee evidence session where you cannot go in for the normal debating tactics that you may use on the Floor of the Commons, and you are face to face with the reality of answering the questions to your colleagues, if you do not have a good story your career could be over as you leave the session.

For statements in the Commons, if you are being questioned on specific issues for a couple of hours on the Floor of the Commons, again, once you could get away with five minutes of knockabout. If you are answering that statement and it is plain that you do not know what you are talking



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about, or that your colleagues have lost their confidence in you, it is a very, very lonely place, I can tell you. One is always ever conscious of Iain Macleod's famous observation that if you are speaking from the Treasury Bench, while you have the Opposition in front of you, you have the enemy behind.

Q210 Dr Rupa Huq: To what extent do you think these other mechanisms, committees, statements or whatever, add up to responsibility rather than the Government being held to account?

Jack Straw: I have always found that accountability and responsibility are both very fungible concepts. I had to think about this a lot because my predecessor as Home Secretary, now Lord Howard, had said that he should be accountable for the Prison Service but not responsible, and that was somebody else's responsibility. That was obviously his view.

When I became Home Secretary I thought, frankly, "I am not going down that route. I am responsible as well as accountable. If something goes wrong in the Prison Service the person they want to see is the Home Secretary". Accountability and responsibility are almost the same thing. When it comes to military action what we are talking about here is endorsement of a decision in advance, if that is possible.

Lord Hague of Richmond: I agree with that.

Q211 Chair: We endlessly discuss the qualitative difference between being made responsible for something and being held accountable for it.

Jack Straw: I think it is dancing on the head of a pin, myself, but there we go.

Q212 Kelvin Hopkins: Military leaders have repeatedly said that Government and Parliament have failed to identify clear, achievable objectives for military action. Why do you think that UK Governments have failed to identify achievable objectives when engaging in military action?

Lord Hague of Richmond: For the same reasons as Governments all over the world and throughout history have struggled to do that. Sadly, we are not exceptions to that history. The centuries are littered with military actions where people subsequently said, "Why didn't you have a clear objective? Why didn't you know how you were going to get out?" and so on.

I hesitate to go back to William Pitt, but in 1793 when war with France began they thought they were going in for a few months of fighting, and the Battle of Waterloo ended it 22 years later, in the course of which all objectives changed and the whole of geopolitics changed. This is a perennial problem.

What can one do about it? You can have something like the National Security Council, which, as I said, we formed in 2010, where you do ask yourself those questions and you do debate, "Is this is a quick, clean



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operation? Is it meant to be a quick, clean operation where forces withdraw after they have attained a couple of clear objectives?”

I think that one could say in the case of Sierra Leone and Kosovo, for instance, that there were certain clearly identifiable objectives and the military action ended when those had been achieved. With others it is very hard to foresee the consequences or the consequences are incorrectly foreseen. The best we can do about it is have a system of governance within Government and accountability in Parliament, as much as we can create that, where these things are debated in advance.

Jack Straw: Frankly, I do not agree with those military leaders who have professed this view, and all the senior military leaders I have ever met and respect have the most acute understanding of military history, and political history as well, which informs their decisions.

If you go back over the last four decades, some military action taken by the British Government has been straightforward and relatively successful. The Falklands, although it was on the absolute knife edge at times, was a successful military action. Its objectives were limited, specific, and it worked. The 1991 Gulf War is a very interesting case. Again, in its terms it was successful, and because of the so-called Powell doctrine there was a very clear understanding, which was implemented, that the United States and its allies should not get involved in running Iraq. It should do what it went to do, which was to liberate Kuwait, and then leave. That may be the kind of clean military action everybody is looking for.

It is worth bearing in mind, however, that that strategy also has consequences. For example, when there was rebellion against Saddam by the Shia and by the Kurds, they thought they were going to get assistance from the allies and they did not, and many lost their lives. Then Kosovo and Sierra Leone were successes.

In respect of Afghanistan, although it has taken a lot longer, I would argue that in practice we had absolutely no alternative than to go into Afghanistan. If we had not—and there are some people around, including on my own side, who said we should leave Afghanistan alone—the Taliban would still be running that country completely, and women would still be the subject of the most appalling subjection and all the rest of it. We went in. Of course, it has been very unpredictable, but I think it was the right decision.

Iraq is a separate case. One of the problems here, echoing something Dr Huq asked me, is that, for sure, judgments about the use of military action and much else besides are made in the shadow of what happened over Iraq. That is just a reality, but it should not completely frame the conclusions that we need to come to for the future.

Q213 **Kelvin Hopkins:** Is it sometimes possible that Governments are devious about their objectives? They say it is a limited objective when their



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longer-term objective is, shall we say—

Jack Straw: Governments can be devious, but my argument against being devious has always been that you are found out. There is a moral argument about it, but normally if something is right to do, it is right for a number of reasons. If something is wrong for one reason, it is also wrong for loads of reasons. I think that you can overestimate the advantage of being devious. I frankly do not subscribe to that.

Lord Hague of Richmond: I do not think in general it is because Governments are devious. I think it is because it is related to the point I made earlier: over the ages there is a regular underestimation of the scale and duration of conflict. As another example, in the First World War all sides were convinced it would be over by Christmas, starting in August. They were not being devious; they just had not understood in what ways the nature of warfare had changed. All made that mistake together.

Q214 **Kelvin Hopkins:** Before setting military tasks, how do Ministers take advice from the political and diplomatic objectives? How do we take advice?

Jack Straw: How do you take advice? In respect of Iraq there were volumes of advice, diplomatic advice and political advice. I did a number of meetings—Mr Hopkins, you came to them—both private meetings of the parliamentary Labour Party but other colleagues privately and endless debates on the Floor of the House and at the Select Committees. You are receiving advice all the time, a huge amount of diplomatic advice from inside the Foreign Office and, may I say, military advice as well, as has become public.

It is worth bearing in mind in respect of Iraq that the advice we received from the very senior military figures was that if we were going to take part in military action in Iraq we should have the largest possible force involved and take part from day one, rather than simply standing back and letting the United States take the kinetic military action and then coming in behind. We had lots and lots of advice, but ultimately you have to make your own decisions. That is what we are there for.

Q215 **Dame Cheryl Gillan:** Would you also have to consider commercial advice?

Jack Straw: Commercial in the sense of how damaging would this be? I don't remember receiving commercial advice, but certainly advice that what was being proposed could be damaging to Britain's overall economic interests and, therefore, to particular sectors, for sure, yes.

Lord Hague of Richmond: The way the National Security Council is structured is that the Chancellor of the Exchequer is included in it, so the economic considerations for the country can be included in the decision.

Q216 **Chair:** That may have reflected the ambition of the Chancellor of the



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Exchequer rather than any merits he might have brought to the argument, because the Falklands War Cabinet did not include the Chancellor of the Exchequer.

Lord Hague of Richmond: This is true, but in the coalition Government, which is my experience, the Chancellor brought both merit and ambition to the situation.

Q217 **Chair:** The question of how relatively—I am going to use the term—ignorant politicians task military forces to do things in an expectation that there will be certain effects achieved is a very vexed one. We have had a lot of evidence from military witnesses who have told us that Parliament was ill-informed, generally uneducated and unprepared to deal with the issues surrounding international conflict.

General Barrons told us that the quality of debate among politicians was lousy, and he went on to say there is a massive failure in the education and training of political leaders, who often have no interest in the business of conflict and security. He added that we finish up with a snapshot understanding, and the military find that politicians and officials in Whitehall do not even share the common lexicon with military advisers. He said that our conversations and our political discourse about conflicts and security are generally uninformed and poor, and this was supported by Admiral Lord West and by Air Chief Marshal Glenn Torpy.

Regarding the debate we had on Syria in 2013, you have said yourself, Lord Hague, “It was very difficult to explain to Parliament what we were going to do”. I am quoting you. “We couldn’t give away to their armed forces what we are going to do”. Then you also said, “Hopefully, our elected representatives are qualified to make a decision”.

How qualified do you think those who spoke in that debate were to make a decision about details of intelligence, such as who might be responsible for deploying chemical weapons? I heard people in that debate say, “We don’t know that Assad did it. It could have been the Israelis”. This is not a high level of discourse, yet this debate determined what the United Kingdom did.

Lord Hague of Richmond: To some extent, of course, this problem is inherent in democracy in any form that decisions are not purely made—

Q218 **Chair:** That is a disadvantage that President Assad or President Putin does not have.

Lord Hague of Richmond: Exactly. That is quite true, but we do not want to adopt the Assad or Putin style of government. I do not think any of us would want that in this country, so we are always going to have to involve people who are not the most expert in that area. That is the nature of democracy.

Of course, there is a point worth considering in everything you have quoted, Mr Chairman, from those military chiefs, which is that in a time when most people have not been involved in a war—in contrast to, say,



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the 1950s where a large part of Parliament would have fought in a war—there will be a lack of direct experience and awareness of many military considerations and terms. Therefore, it would be a very good idea in my view to consider how to improve the level of information and understanding in Parliament about these things, particularly among a subset of Members of Parliament. Sometimes it is a good idea to train Ministers. There are one or two eventualities, which I probably should not go into, where Ministers train for a decision to take armed action, but those are quite limited and specific, and it would be possible in Government to expand those areas.

Jack Straw: Yes, I agree with that. I found the training, which I am sure was the same as Lord Hague's on the same subjects, extremely important. There has always been a tension between senior military personnel and Ministers and Parliaments in a democracy, and the military personnel are bound to know more about their discrete area of expertise. In a democracy, it is for parliamentarians to be able to bring together as much information as possible, but also to make judgments about the consent of the British people, on whose behalf they are here.

I take with a bit of a pinch of salt their objections and ask what they think the alternative is. Lord Hague is right about the fact that there is not the natural experience and understanding of the military that used to be the case here. When I came into the House in 1979 I was 32. Anybody who was over 38 had done national service. Leaders on both sides of the House had almost invariably served in the war, and that continued. It fell away after about—

Q219 **Chair:** We are now in a situation where parliamentarians have generally far less experience, yet we all want to give them more responsibility.

Jack Straw: This goes back to an answer Lord Hague gave. The responsibility has to rest somewhere. If you end up in a situation where these are Executive decisions without proper consent, then politics will move from what should be the cockpit of a democracy, which is this place, on to the streets.

Q220 **Chair:** What we are talking about is how to engage the public, and one of General Barrons's complaints about the Syria debate was he said it was all very rushed and there was a failure of political mobilisation.

Jack Straw: That is true. I remember it acutely. Part of the problem was that President Obama had said what they were proposing was a "shot across the bow"—and I have mentioned this—which showed an extraordinary misunderstanding about what he was, in fact, proposing. A shot across the bow of a ship is one that does not cause damage; it is just a warning. I remember raising this in debate myself. There was not a proper explanation. It was rushed.

There was an issue about relationships between the then Prime Minister and the Leader of the Opposition, which I think led to a lot of acrimony



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subsequently. If we had been in government I suspect we certainly would have wanted to support what President Obama had been proposing. With the huge benefit of hindsight, only that, we might either have decided to risk it and take the military action first and go to Parliament afterwards, or to have deferred the decision until after Parliament came back.

Q221 Chair: The problem is in that situation the Opposition and Back Benchers should be saying, "We do not know. We cannot see the intelligence; we cannot understand what detailed military capabilities are going to be deployed. With respect, Prime Minister, this is your decision, and we will judge you on the outcome".

Jack Straw: You could say that. That situation was one where it was perfectly public what was going on, which was Assad was using chemical weapons.

Chair: Except that half the House of Commons did not believe you.

Lord Hague of Richmond: Mr Chairman, this is the nub of the problem, because there is a major problem of trust, as there is in politics in general, and particularly in this area. Jack Straw referred rightly earlier to all decisions after Iraq being made in the shadow of Iraq. I remember discussions with individual colleagues in 2013 over Syria where I would say, "Here is all the evidence. I am convinced as Foreign Secretary from everything I have seen that these chemical weapons have been used by the Assad regime". Colleagues would say, "We do not believe anyone in Government anymore after the weapons of mass destruction experience". This is a further argument for enhancing the scrutiny, knowledge, education and awareness at least of some of the committees of Parliament.

Q222 Chair: Have you not just said something extremely important, which is: it is not about formalising procedures and processes or setting in statute rules, it is about what Governments do and the way Governments engage with Parliament in order to rebuild that trust? Is that not what this is really all about?

Lord Hague of Richmond: I would agree that it is, but rebuilding that trust can nevertheless include and require some changes to procedures and the way we use our institutions.

Jack Straw: I agree.

Q223 Kelvin Hopkins: Is it not the case that sometimes Governments and Ministers are not well informed? The late, and I would say great, Sir Peter Tapsell pointed out on more than one occasion that Governments were intervening in a 1,200-year-old conflict between the Sunni and the Shia, and they did not appreciate that when they were making these decisions.

Jack Straw: Yes, a sense of history and understanding of history seems to me to be a prerequisite for good decision making of all kinds, but some



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people are interested in it naturally and others are not. Democracy is not a perfect system but, famously, it is better than the alternative.

Q224 Dame Cheryl Gillan: You have just said, Mr Straw, that if we do not deal with it here it will end up on the streets, effectively. Isn't one of the major problems now manipulation? I am thinking in terms of all these organisations where we do not know who sits behind them or where they make their money from, like 38 Degrees, Do Gooder and various organisations like that, which then collect people's names and email addresses and bombard Members of Parliament with inaccurate statements and inaccurate information, which they then believe and they see that there is this pressure of weight of numbers.

Is this manipulation not something that we really should be looking into, because it could very much affect the very essence of this, which is that in a democratic system there must be scrutiny by the elective representatives of the Executive?

Jack Straw: It is tough being a Member of Parliament; it has probably become a bit tougher. Bear in mind that on the other side of the coin, 30 years ago the print media were incredibly powerful, and if you happened to be in a left-wing party, the Labour Party, there were times when the whole of the political agenda overwhelmingly was set by people who were your adversaries, and that had a direct effect on the broadcasters as well. Social media has changed things, but it has not changed things all for the bad.

People regarded Blackburn as a rock-solid Labour seat. It is not. It has become safer, but there were times when I was literally under great danger of losing my seat. My view was that you could not just sway in the wind, and that would not gain you any support anyway. You had to be consistent about your approach and be ready to argue it. If you did that, with a bit of luck people would say they may disagree with you—famously in respect of Iraq, overwhelmingly my constituents were against me on Iraq, but because I had been willing to explain to them, standing up on a soapbox in the town centre, all the way through and before the war what the position was, they were willing to put up with me.

I would just say this. It is a point about Brexit. Although it is a mess and all the rest of it—it is a piece of therapy to colleagues still sitting—in other countries faced with this kind of situation there could have been really serious trouble on the streets. Of course, people feel strongly about this and they protest, and that is quite right. The fact that we have not ended up like France or many other countries is because of the vibrancy of the debates that are going on. This is an agonising decision for everybody, for every family in the country, and people can see this agony being played out in front of their eyes in the House of Commons. That is a good thing, not a bad thing.

Q225 Chair: I have one very brief final question. You are both former, very distinguished Leaders of the House of Commons. The House of Commons



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used to have five annual debates on different aspects of defence, regular debates about foreign policy issues and an overseas aid debate. All of these have gone. We debate things like circus animals instead because it is controlled by the Backbench Business Committee. Hasn't the House of Commons lost something in its engagement with defence and security and foreign policy issues, and what should we do about it?

Jack Straw: Yes. We should get those debates back for a start.

Q226 **Chair:** How should we do that?

Lord Hague of Richmond: I would also say yes, but as someone who, as the discussion has shown, believes Parliament needs to spend more time on foreign affairs and defence and so on, these days did go, if I recall correctly, when more days were given for Back-Bench business. There would have to be a decision of the House to bring them back.

Q227 **Chair:** There is so little time spent discussing legislation compared to how much time we used to spend discussing legislation. Shouldn't the Government just say, "This is what we want the House of Commons to discuss, and we will provide Government time to discuss these very important issues"? Otherwise, when you come to the House of Commons and ask for the House of Commons to trust you to do things there are not enough people there who understand what is going on to give you that trust.

Jack Straw: It is partly to do with the hours of this place, on which I lost the argument inside my own Government, ran a rear-guard action and then lost again. There is overprogramming of legislation, all that in a desire to see the House pack up at 7 o'clock in the evening and effectively to make Thursdays a kind of part-time situation because of the pressure of constituents. It is a chicken and egg thing. People are elected to be here, and legislation and bringing the Executive to account are the most crucial functions of a Member of Parliament. Changing the hours and liberalising that would be—

Q228 **Chair:** Serving on relevant Select Committees is a great education. Serving in the Armed Forces Parliamentary Scheme is a superb education. Should there be a Foreign Policy Parliamentary Scheme or a Foreign Office Parliamentary Scheme? Should there be an Overseas Aid Parliamentary Scheme? Should there be a Civil Service Parliamentary Scheme? That latter point has been a recommendation of this Committee. Would you support proposals of that nature?

Lord Hague of Richmond: I certainly would, yes. I think those are good recommendations and would be quite widely taken up in Parliament.

Jack Straw: So would I.

Chair: I thank you both very, very much. It has been extremely illuminating to hear of your journey on this vexed issue. I think that your candour and experience will prove very, very helpful in the writing of our



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report. Thank you.