

Not in **our** name

Making foreign policy democratic

FOREIGN POLICY has a huge impact on our daily lives. If nothing else, the invasion and occupation of Iraq has made that plain. But foreign affairs affect everything from food prices to terrorism, from equal pay to drugs and crime, from migration to more unpredictable weather.

We, the public, have strong views about Britain's role abroad, on for example, the occupation of Iraq, military operations in Afghanistan, the Israeli-Palestine conflict, the upgrading of Trident, trade and climate change negotiations. We want to play a part in decisions about going to war, or selling arms, or giving aid, or making trade fairer (see panel over). But we are mere spectators with no say in the decisions taken in our name by the Prime Minister, other ministers and even unknown officials.

Even MPs, our elected representatives, have little or no say in these decisions. The 'royal prerogative', a pre-democratic relic of monarchical rule, gives the Prime Minister, ministers and officials the power to make 'foreign policy' in the widest sense without ever being required to seek parliamentary or popular approval. Decisions in a host of spheres are taken by the government under the royal prerogative and thus outside effective democratic control:

- making war and deploying the armed forces
- agreeing treaties
- partnering the United States and choosing allies



- negotiating with other EU member states over the EU budget, the UK contribution and a variety of legislative and policy issues
- giving much of our development and humanitarian aid
- playing a role in international decisions on trade or climate change
- contributing to the policies of the World Bank, IMF and other international bodies

- playing a military role in Nato
- representing the UK on the UN Security Council.

Gaining democratic control

'Foreign policy' thus touches the everyday lives of the population. As our poll shows, it ought also to reflect our sense of moral purpose in the world. It can no longer be left in the pre-democratic realm of the royal prerogative and the

Prime Minister's search for a personal 'legacy'. It belongs to all of us. The royal prerogative must be abolished and replaced by clear statutory rules giving Parliament a proper participatory and scrutiny role. It must be made transparent and open to public influence.

But democratic oversight of Britain's conduct abroad is made harder and more complex by the nature of foreign policy in modern times. Foreign policy now is a wide-ranging and disparate set of processes, far removed from the exercise in previous eras of autonomous diplomacy under the royal prerogative. Most foreign policy is pursued through multilateral organisations, like the International Monetary Fund and the European Union, and through multilateral agreements negotiated through bodies like the World

Trade Organisation. Much of Britain's 'domestic' legislation derives from legislation originating in Brussels or Strasbourg; the EU conducts international trade negotiations on behalf of the UK and other member states and spends much of the UK development aid budget. The UK also cedes authority to NATO.

British ministers, senior civil servants and diplomats take part in the decision-making in such organisations under the royal prerogative. This decision-making is opaque at best and frequently secret. We are all voiceless in these arenas. The most that MPs and peers can expect is a statement in Parliament. We need to re-configure the very idea of 'foreign policy' as *external policies* – aid, trade, treaty-making, bilateral and multilateral activities, relations with the European Union and the United States, the conduct of the UK in international bodies such as the World Bank, the IMF and NATO, and the UK response to armed conflict, either directly or indirectly through multilateral institutions. This adjustment should lead

to more systematic and meaningful parliamentary oversight at least of Britain's role in these international bodies and negotiations; and more effective sharing of scrutiny between the UK and European Parliaments.

At the global level, of course, there is an urgent need for reforms to make international negotiations and decision-making open to the public gaze, to improve the accountability of the United Nations and its agencies, and to create a structured and more responsible response to massacres and abuse within some nations. But we can at least get a handle on all these matters if our own Parliament is more organised and assertive.

These wider concerns do not absolve Parliament or civil society from examining whether and how far bilateral policies, that is, the traditional 'foreign policy' of the past, live up to the humanitarian and objective goals that British governments proclaim and public opinion supports.

Parliament's weakness

The decision to invade and occupy Iraq, without the consent of the United Nations and in defiance of the facts and of international law, dramatically illustrated Parliament's weakness. The dossier of evidence to the Butler committee (unacknowledged in its report) from Carne Ross, the former diplomat, also shows that the Foreign Office and Ministry of Defence did not regard Iraq's WMD capacity as a threat; the government manufactured the threat when policy towards Iraq changed under US influence. The parliamentary vote on the war was held long after the decision to invade had been taken and covert military operations against Iraq had already begun. The government continues to use its parliamentary majority to postpone indefinitely any official inquiry into what is widely recognised as an ill-conceived exploit.

Parliament's weakness is ongoing. The Prime Minister, ministers and

officials will continue, through the use of the royal prerogative, to pursue their own policies outside parliamentary control. Parliament's own traditions and working practices reinforce the government's autonomy. The government can further deny MPs and peers in Parliament the ability to scrutinise what it does and to hold it accountable through stringent restrictions on the release of official information on international affairs (it is no accident that the Foreign Office refuses 70 per cent of right-to-know requests).

Consider other events in which Parliament ought to have played a significant part:

- There has never been a parliamentary vote on Britain's role in Afghanistan since 2001, not even on the initial invasion, though there have been debates. In January 2006 the Defence Secretary announced in a ministerial statement that he was going to re-deploy troops to Helmand. There was an hour or so debate and in March the Defence Committee raised concerns about the clarity of the UK role.
- Darfur has been torn by violence since 2003. Last summer the strife and abuses broke out again and the violence is spreading to Chad. Tony Blair and Hilary Benn have both been strong advocates for the proposed UN force but to no avail. The All-Party Parliamentary Group for Sudan has been lobbying hard, but Parliament itself finally discussed the renewed crisis for the first time since the summer on 28 November 2006, in a 'fringe' (though valuable) Westminster Hall debate.
- The US/UK coalition's strategy in Iraq is in the melting pot. The Prime Minister gave evidence to the Iraq Study Group in the US by video link, with no reference to Parliament; the Foreign Secretary gave a ministerial statement in the House on 22 November 2006 on possible troop reductions while the US Iraq Study Group called for phased withdrawal. But Bush and Blair have re-affirmed

their commitment to 'remain until the job is done' and the US President is sending in more troops. Parliament remains speechless.

● The policy adopted by the UK in alliance with the USA in response to the Israeli invasion of Lebanon in July and August 2006, favouring continued warfare by Israel ahead of a ceasefire, aroused parliamentary and public concern. The British government refused to condemn the attacks and allowed US aircraft headed for Israel to refuel in UK airports. Over 100 MPs demanded the recall of Parliament which was in recess at the time. But the power of recall rests with the executive, not parliamentarians, and the government denied Parliament the chance to debate this contentious policy (though the Foreign Affairs Committee commendably held an evidence session during the recess). The resulting delay in securing an end to hostilities led to significantly increased, avoidable and unnecessary loss of civilian life.

What the people think

We are encouraged in our work by the findings of an ICM opinion poll*, commissioned by Democratic Audit, the Federal Trust and One World Trust, to assess the level of public support for the reforms we advocate in *Not in Our Name* and set out in this briefing. The poll results indicate that the British people believe overwhelmingly in a democratic foreign policy, in which Parliament as a whole – not just the Prime Minister and the cabinet – should set the direction of Britain's international policies. The poll results also reveal a major consensus around key elements of an 'ethical' foreign policy and a strong wish to pursue policies that are more independent of the United States.

Key findings of the poll are as follows:

- Asked who should decide Britain's main foreign policy objectives in pursuing British interests abroad, 85% said 'Parliament as whole' as against 13% for 'the Prime Minister, ministers and their advisers';
- 86% of respondents agreed that parliamentary committees should fix 'soft mandates' for the Prime Minister and ministers in advance of negotiations with the EU and other international bodies;



● The Prime Minister has decided to upgrade Trident and has secured cabinet agreement. The Defence Committee did publish a report in June 2006, but Parliament has not yet debated either the report or the substantive issues involved – the potential violation of international law and the other strategic, diplomatic and financial consequences of the decision. MPs and peers will not be able to debate and decide these substantial issues, only to determine the nature of the upgrading.

The way forward

This short briefing draws upon a major study of the making of government 'external policies' and their scrutiny in Parliament, conducted by Democratic Audit, the Federal

Trust and the One World Trust. We published our conclusions in a book, *Not in Our Name: Democracy and Foreign Policy in the UK* (Politico's, 2006) and we have set up a website, www.myforeignpolicytoo.org, to propagate our findings and to report on the further researches that we are pursuing in the course of this Parliament. In this section, we make a series of recommendations designed to make policies more accountable and transparent and subject to deliberative debate.

The dominance over Parliament that all governments possess is in our view a major obstacle to the proper functioning of our parliamentary democracy. We recognise that wider democratic reforms are desirable. However, our recommendations bear principally on the conduct of external policies.

The royal prerogative, which confers untrammelled powers on government in the conduct of foreign policy, has no place in a modern democracy. We found also that it, consciously or subconsciously, colours the approach of many MPs and contributes to a false assumption among them that the government is entitled to broader discretion in foreign than in domestic affairs.

We recommend that the royal prerogative should be abolished, or at least substantially reformed, to place existing prerogative powers on a statutory footing; and that the government's powers over military force and treaty-making should be dealt with as a priority. There should

● 89% of respondents said that Britain should seek agreement through the UN for action to deal with states that endangered British and western interests and should seek to comply with international law. Only 8% favoured the use of armed force by Britain acting on her own or with allies;

● 83% were against arms and military exports to countries which violated their citizens' human rights (though being reminded that exports were important to the UK economy and jobs);

● 85% believed that Britain should 'argue vigorously' within the EU for reforms of EU trading practices to make them fairer for developing countries;

Two thirds of respondents also wanted Britain to adopt a more independent position within the Special Relationship with the United States. Half of the people asked (49%) said that Britain's foreign policy should be based on a close and equal association with both the European Union and the United States; 22% said it should be on a close association with the EU and only 7% on such an association with the US.

* ICM Research interviewed a random sample of 1007 adults aged 18+ by telephone between 13-15 January 2006. Interviews were conducted across the country and the results have been weighted to the profile of all adults. ICM is a member of the British Polling Council and abides by its rules. Further information at www.icmresearch.co.uk



be an effective War Powers Act that requires parliamentary approval for the deployment of British forces abroad. Many democracies give their legislatures a similar role.

2 Select committees which examine the conduct of all the departments of state should 'mainstream' scrutiny of all international policies and actions that impact upon the domestic lives of British citizens. At the moment, there is an artificial barrier that prevents this wider recognition of their responsibilities. This change would at last recognise the close and complex inter-relationship of international and domestic affairs; promote scrutiny of EU business across the board; and bring to bear the expertise of MPs and peers on the specialist select committees on examining the international and European dimension of modern policy-making.

4 Select committees should develop a 'soft mandating' process to discuss negotiating positions with ministers in advance of their entering into EU and major international negotiations (rather than being informed by ministers about the outcome of talks after the event, as often happens now). Parliaments and parliamentary committees in Denmark and Finland, for example, meet with ministers who are undertaking negotiations within the EU and effectively give them negotiating positions; and they are required to report back afterwards. This practice could be applied both to the meetings of European and other international bodies.

4 Parliamentarians should have increased access to independent legal and other advice and research facilities as well as access to the Attorney-General's legal advice to government on major issues of war and foreign policy. Parliament could set up an External Audit Office

to monitor external policies.

5 The Freedom of Information Act requires reform to open up foreign affairs to more transparent inspection to assist in reversing the tolerance traditionally extended by the British Parliament to government discretion in non-domestic issues and enhancing public interest and influence in decision-making. At present, the government has brought forward draft proposals that will make it easier to reject applications for information. There is also a need for enhanced access for Parliament to advice offered to government by specialist agencies; more detailed scrutiny of internal policy assessments within the FCO; and more intensive scrutiny by Parliament as a whole of central government foreign policy decisions, measuring such decisions against the UK's human rights and other treaty obligations.

6 Above all, there has to be a change of parliamentary culture in the United Kingdom, whereby Parliament considers itself an equal partner with government in the formulation of policies, and not merely its obedient sounding-board in external affairs. It follows that Parliament should have a right of recall as well as the executive. MPs and peers (in an elected House) should participate in developing policy as it is being formed, as well as scrutinising and evaluating it during and after its execution. At the same time, the House of Commons should enrol most MPs onto select committees and give them a higher profile, to prioritise keeping government under effective scrutiny and holding it accountable for its policies and actions. This is not simply a question of procedural change, although procedural change can facilitate and reinforce this change of culture. It is a change that must come from within Parliament, as more and more leading political figures come to conclude that a

parliamentary career is just as worthwhile as a ministerial one.

Scrutiny of Parliament

It is our hope that the successors to Tony Blair will not wish to leave a legacy overshadowed by irrational policy disasters in foreign policy. Any future British government would do well to learn from the errors of the past and conclude that a foreign policy based on wide parliamentary and public consultation and scrutiny is likely to be not only more democratic, but also more firmly based on solid intellectual and political foundations.

The three organisations – Democratic Audit, the Federal Trust and One World Trust – will continue our researches and examine the openness of the government's external policies and the rigour of parliamentary scrutiny. We will examine in particular the workings of the Special Relationship, the 'War against Terror', the UK's part in the response of the United Nations to armed conflicts, potential moves to re-consider the European Constitution and more immediately, ongoing proposals to remove the national veto in the area of Justice and Home Affairs (Parliament is struggling to exercise effective scrutiny over this important issue). We will also publish further briefing notes.

About the organisations

The One World Trust was formed in 1951 by the All Party Group for World Government and researches and analyses the workings and accountability of major intergovernmental organisations.



Democratic Audit was set up at the Human Rights Centre, University of Essex, to measure democracy and human rights protection in the UK.

The Federal Trust promotes studies in the principles of international relations, international justice and supranational government and has a particular interest in the European Union and Britain's place within it.



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