

HOUSE OF LORDS
HOUSE OF COMMONS
JOINT COMMITTEE ON DRAFT CONSTITUTIONAL RENEWAL BILL

Memorandum by Peter c. Beauchamp (Ev 11)

The Constitution and War-Making Powers

Thank you for your letter of May 16 2008.

I would like to submit my evidence hereunder.

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War Powers.

In the unending experience over Iraq and to some extent over Afghanistan. and with the actions of the Prime Minister then prevailing it is up to us to see that there can be no

repetition of the undemocratic mistakes then made by closing

off the room for them. However from the tone of the guidance provided with the questions to consider, it is easy to

imagine that a consensus of laissez faire has now prevailed.

Q37, I really doubt if the resolution route is the right

one. Statutory legislation is needed and should be tabled as soon as possible. This will be particularly important with

our armed forces ever-reducing and adopting more and more a training posture (and certainly being unable to maintain an overseas role in strength).

Q38. No the draft Resolution does not give Parliament

sufficient control over decisions.

(i.and ii and iii.) No. This is just repeating the mistakes

of the past.

(iy) This would be too late and the damage would have been done. i.,ii and iii if allowed would have done the damage.

(v) Yes, the Prime Minister should certainly report on the situation to Parliament.

(vi) No but there should be regular reports to Parliament on developments as necessary.

(vii) They should participate in a Standing Defence Committee outlined below.

A Standing Defence Committee to include some Cabinet and

Opposition members, representatives of both sides of the

House of Lords and representatives of all three services

would be chaired by the Prime Minister, who would of course

be their spokesperson in Parliament. It is likely that

certain meetings would be held in camera as agreed by

leaders Of each of the three sectors suggested.

(If our armed forces are to be still further diminished,

amounting to little more than ultra'-defensive strength, this extra-Houses Standing Defence Committee would seem even more appropriate. When necessary the Prime Minister would come to the House and report the Committees deliberations and proposals.

Q39. Yes it is appropriate and the likely merits and repercussions should of course be considered by the above Committee in advance. (This Committee would of necessity take over the roles of previous defence committees whose heads of security would also be represented.)

Q40. 'Conflict decisions' should be clearly reiterated to

include 'advance overseas deployment'.

Moreover 'UK Forces' should be clearly defined as 'Non- Special Forces' but to include 'RAF aircraft in all roles'.

19 may 2008