

SELECT COMMITTEE ON THE CONSTITUTION**The constitutional arrangements for the use of armed force****CALL FOR EVIDENCE**

The House of Lords Select Committee on the Constitution, chaired by Baroness Jay of Paddington, is announcing today an inquiry into the constitutional arrangements for the use of armed force. The committee invites interested organisations and individuals to submit written evidence as part of the inquiry.

Written evidence is sought by Friday 14 June 2013. Public hearings are expected to be held in May and June. The committee aims to report to the House, with recommendations, before the summer recess. The report will receive a response from the Government and may be debated in the House.

The decision to use armed force overseas is one of the most momentous a Government can make. However, the role played by Parliament in such decisions remains unclear: there is at present no standard process by which Parliament can become involved. In 2006 the House of Lords Constitution Committee conducted an extensive inquiry into Parliament's role in authorising the use of armed force overseas. Following the report published by the committee in 2006,¹ the then Government committed themselves to bringing forward a detailed resolution on the process Parliament should follow in approving the commitment of the UK's armed forces overseas.² The current Government have also indicated an intention to enshrine in law the necessity of consulting Parliament on military action.³ However, no action has been taken to bring any such proposals into effect.

In addition to the lack of recent developments on Parliament's role, since 2006 the institutional and military context has evolved. In 2010 the National Security Council was established; it is unclear how this body interacts with the other organs of Government involved in authorising the use of force overseas. The nature of interventions has also changed: most recent interventions have concerned either failed states or anti-terrorism operations. In addition, the techniques of warfare have continued to advance, particularly with the increased use of drones and the development of cyber warfare.

The impact of these changes on the constitutional arrangements which we investigated in 2006 is uncertain. Therefore, the Constitution Committee has decided to look again at the constitutional arrangements for the use of armed force overseas. The inquiry will focus on four areas in particular:

- the reasons for the continuing absence of a war powers resolution or other formalisation of Parliament's role;

¹ Constitution Committee, 15th report (2005–06): *Waging war: Parliament's role and responsibility* (HL Paper 236).

² *The Governance of Britain: Constitutional Renewal*, p. 51. Annex A of this paper included a draft war powers resolution.

³ HC Deb, 21 March 2011, col 799, per the Foreign Secretary, William Hague MP



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- changes in the Government's internal processes for authorising the use of armed force, and the suitability of those processes;
- the impact of the changing nature of deployments on the choice of constitutional process; and
- the implications of new techniques of warfare for designing a mechanism for parliamentary approval.

Written evidence is invited on the above matters. You need not address all the points. The committee would also welcome any other views which you think the committee should be aware of.

Evidence should be submitted in an editable electronic form as a Microsoft Word document, or as plain ASCII text, by e-mail to constitution@parliament.uk. Please do not submit PDFs. If you do not have access to Microsoft Word or to the internet you may submit a paper copy to Select Committee on the Constitution, Committee Office, House of Lords, London SW1A 0PW. The deadline for written evidence is **Friday 14 June 2013**.

Short submissions are preferred. A submission longer than six pages should include a one-page summary.

Evidence sent in paper form must be clearly printed or typed on single sides of A4 paper, unstapled.

Paragraphs should be numbered. Evidence should be dated, with a note of the author's name and status, and of whether the evidence is submitted on an individual or corporate basis. All submissions will be acknowledged promptly.

Evidence becomes the property of the committee, and may be published by the committee at any stage. Once you have received acknowledgement that the evidence has been received, you may publicise or publish your evidence yourself, but in doing so you must indicate that it was prepared for the committee. Parliamentary privilege will not apply to your own publication.

Personal contact details supplied to the committee will be removed from evidence before publication. However, personal contact details will be retained by the Committee Office and used for specific purposes relating to the committee's work, for instance to seek additional information or to send copies of the committee's report.

Written evidence will normally be published online and deposited in the Parliamentary Archives.

Persons who submit written evidence, and others, may be invited to give oral evidence. Oral evidence is usually given in public at Westminster, broadcast in audio and often video format on the internet, and transcripts are published online. Persons invited to give oral evidence will be notified separately of the procedure to be followed and the topics likely to be discussed.

Substantive communications to the committee about the inquiry should be addressed through the clerk or the chairman of the committee, whether or not they are intended to constitute formal evidence to the committee.

This is a public call for evidence. Please bring it to the attention of other groups and individuals who may not have received a copy direct.

You may follow the progress of the inquiry at:

<http://www.parliament.uk/business/committees/committees-a-z/lords-select/constitution-committee/>