

War, Peace and Parliament: experts respond to the government's defeat on Syrian intervention

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By Democratic Audit UK

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The government's [defeat in the House of Commons](#) on the issue of military intervention represents a constitutional landmark. Although Parliament still [lacks any formal war powers](#), the Prime Minister has pledged to abide by MPs' decision. In this post, Democratic Audit asks leading parliamentary and constitutional experts for their views on the implications of the vote.

Dr Catherine Haddon, Institute for Government

Given the history of the role of Parliament's UK decisions to go to war, Thursday night's vote on military action over Syria has set another strong precedent. Tony Blair's decision to give Parliament a vote over Iraq was the major precedent of recent years. Subsequent qualms about that decision may have had an effect on Thursday's vote. But Iraq and the qualms since were also a reason why the Prime Minister set great store by a vote. Neither vote prevents the government taking action, but Cameron has agreed to abide by it. Interestingly, though it was whipped and not a vote of conscience, it doesn't seem to be considered as a confidence issue, unlike Blair's.



This vote will undoubtedly increase calls for legislation to require parliamentary approval for military action, however the experience of getting a painful No may increase government resistance to such. (And consider the US, where an explicit War Powers Resolution means the Executive frequently designates military action as outside that purview, potentially lessening congressional influence). These latest developments take parliamentary influence to a higher level. Both Parliament and the government will want to consider its consequences, but that is something that should wait. Their immediate focus should stay on what it means for Syria.

Professor Katja Ziegler, School of Law, University of Leicester

Thursday's events strengthened Parliament and demonstrated to the world a model of a democratic constitutional state in action taking international law seriously. Firstly, the defeat of the government's motion to go to war in Syria is a rare demonstration of the exercise of parliamentary control over the executive in foreign policy. For the first time, Parliament voted against a government's decision to go to war and showed that Parliament can provide, at least exceptionally, a check on the government.



Secondly, events after the vote amount to a significant constitutional milestone: the Prime Minister committed himself explicitly to respecting the decision of Parliament. This commitment binds him and restricts the Royal prerogative of his government to go to war. Until now the practice had become to consult Parliament, but a vote was considered not to be binding. The Prime Minister's commitment also establishes a strong constitutional precedent for future Prime Ministers and thus of a wider

restriction of the royal war prerogative, although a constitutional convention may not be absolute (yet) because it is not clear whether governments would be bound in substantially different situations. Recent initiatives by both [House of Commons](#) and [Lords](#) committees to restrict the war prerogative support an interpretation in favour of wider and more general restrictions of the war prerogative. Therefore the events are at the very least a significant step towards a constitutional convention in which Parliament must consent to military deployment.

Thirdly, Parliament's refusal to engage in an illegal war is not only significant for international law, but also for constitutional law: the events in Parliament do not only send out a message of procedural democracy but also one of the rule of law.

Dr Dirk Peters, Peace Research Institute Frankfurt

Yesterday's vote has tremendous implications both domestically and internationally. In the UK, the use of military force has always been regarded as part of the royal prerogative over which parliament does not have a say. Since the Iraq war, this tradition has come increasingly under pressure. Yesterday's vote may ultimately bring it to an end. It will now be more than difficult for future governments to ignore the House of Commons when deciding about the use of force. The House of Commons is thus highly likely to have a de facto veto over military deployments in the future.

On top of this, the vote can constitute precedence for parliaments around the world. Parliamentarians can now see that it is possible to be more assertive than they have been in the past. In the Commonwealth, most countries have followed the British tradition and provided government with sole discretion over the use of military force. Parliaments there may now point to yesterday's decision and demand a say over deployments too. In some other democracies, parliaments already possess the constitutional right to veto deployments. But they have strongly tended to go along with government proposals whenever a vote was held. These parliaments can learn from the House of Commons that voting against their own government is not unpatriotic but simply an exercise of their democratic rights which need not harm the international reputation of their country.

Dr Andrew Blick, Centre for Political and Constitutional Studies, Kings College London

Simply holding a vote in advance of the military action was an important development, because it firms up the developing convention that entry into armed combat should be subject, whenever possible, to prior parliamentary (and in particular House of Commons) approval. There are still some uncertainties surrounding how this convention applies in every case – for instance, the vote on the Libyan operation took place only after it had commenced. But undeniably it now exists. Whether the government will make good its commitment to place this understanding on a statutory basis remains to be seen.



It is also important that the government, which could in theory begin action anyway under the Royal Prerogative, recognises that to do so is politically impossible. If the US decided to act anyway, difficult

questions might be raised about how far the UK could collaborate with its ally in areas such as intelligence sharing, given that Parliament has opposed an action. Finally – and crucially from the point of view of the law of anticipated reaction – Parliament has shown that not only does its consent need to be sought, but that its agreement to a military intervention is not guaranteed and might be withheld. Governments will in future need to be very careful about how they handle MPs over these issues.

James Hallwood, The Constitution Society

There is a great irony that Tony Blair, our most presidential of Prime Ministers, set a precedent that would lead to the executive being constrained and the right to declare war ultimately devolved to Parliament. With votes on Iraq and Libya passed it fell to the vote on Syria to really test the growing convention that Parliament must sanction military action. Cameron's about-turn shows the reality of this – intervention is now unthinkable. Government policy has had to change overnight. Presidentialism has retreated and parliamentary sovereignty has been reasserted.



While the royal prerogative is appropriate to remain in Prime Ministerial hands for emergencies, it is now clear that future pre-meditated action will rely on Parliament's approval. This is the kind of significant development that reformers have called for and failed to achieve, but in its own idiosyncratic way the British constitution has quietly delivered. It is a sign that our constitution, uncoded and frustrating as it can be, is also an organic and pragmatic creature; one whose imperfections are often mitigated by its ability to adapt. The entrenchment of this new convention shows the 1000-year-old story of the British constitution is not over; it continues to evolve and thereby survive.

Note: this post represents the views of the authors, and not those of Democratic Audit or the London School of Economics. Please read our [comments policy](#) before commenting.