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The Foreign Affairs Select Committee and UK Foreign Policy

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TOM PETTINGER, MAR 11 2012

Has the Foreign Affairs Select Committee made a difference to UK Foreign Policy?

Because the executive has held, and still holds, royal prerogative for foreign affairs matters, Parliament has been “unusually limited”^[1] in its influence over the area.^[2] Scrutiny of foreign policy is unique because unlike in other areas of governance “Parliament is in no sense a regular participant in the process, either by right or custom,”^[3] and because there is so little legislation in comparison with other policy areas.^[4] Before 1979, an amalgamation of committees existed under different departments, examining specific foreign affairs issues with no oversight of the whole of foreign policy. The establishment of the Foreign Affairs Select Committee (FAC) in 1979 brought an increase in Parliamentary influence in the area, by “[creating] a committee devoted primarily, indeed exclusively, to foreign affairs,”^[5] and the Committee was given the role of scrutinising “administration and policy of the Foreign and Commonwealth Office (FCO).”^[6]

An in-depth study by The Constitution Unit, however, found that the FAC provided the least substantive recommendations compared with other committees,^[7] implying the Committee’s scrutiny role is somewhat hindered – possibly because the main parties’ front benches, to maintain one national voice on international affairs, withhold usual party politicking. When enquiring regarding the Committee’s influence, both the Chairman of the FAC, Richard Ottaway, and Committee member, Mike Gapes, pointed in particular to the FAC’s influence over the Turks and Caicos Islands (TCI) affair and BBC World Service funding.^{[8][9]} These two instances of influence were not high-profile or controversial compared to an instance of foreign policy like Iraq, where global opinion was divided. Therefore the following will analyse the TCI affair and the World Service Reports with the case of Iraq, to show – through examination largely of Parliamentary Reports and their Responses – how heightened contention and increased potential for Government embarrassment leads to a mostly imperilled role for the FAC. It will show however, that on smaller-scale issues where the Government does not already have resolute policy, the FAC’s influence on foreign affairs can be much more substantial, through its role of exposure and scrutiny. While only three cases will be utilised and therefore wide coverage for comparison will not be ensured, the TCI and BBC affairs will show how much power the FAC can have on small and non-contentious issues, while the case of Iraq will explain the Committee’s powerlessness on larger and more controversial foreign affairs.

Whereas a committee such as the Home Affairs Committee has a much larger say in overall policy,^[10] the FAC inquiries into the decision to go to war in Iraq did not achieve a high level of influence on foreign affairs. During the proceedings the Committee was relatively imperilled in fulfilling comprehensively its purposive aims of scrutiny over its department, the FCO. Foreign affairs expert Carne Ross observed in written evidence to the Committee that “the [FAC]’s series of reports on the Iraq war stand as acute evidence of [a] failure to scrutinise.”^[11] The succession of FAC Reports presents an archetypical case of its influence being minimal on important issues while carrying greater strength on smaller issues.

Public opinion had been divided on intervention in Iraq,^[12] and no UN approval was given. The issue was highly contentious and had attracted vast media attention, but achieved the overwhelming backing of the House of Commons.^[13] This support from the Commons ensured that even though many groups were opposed and the legal

The Foreign Affairs Select Committee and UK Foreign Policy

Written by Tom Pettinger

case for war had not yet been proven, the Government essentially had a buffer against which to hold effective scrutiny that was stronger than usual on foreign affairs matters. The short space of time between intervention and the first inquiries also meant that no long-term consequences could be fully dealt with nor accusations of a private Blair-Bush deal,[14] hampering to an even greater degree the weight of the FAC Reports. Evidenced by recommendations in the Report and the respective Ministerial responses and a lack of major policy changes, it can be said that the FAC was nowhere near powerful enough to carry out meaningful investigation into the path that led to war in Iraq, or continuing policy over Iraq.

During the 2003 inquiry 'The Decision to go to War in Iraq', the Committee called witnesses to be held accountable for their decisions. The then Foreign Secretary Jack Straw spent five hours in front of the FAC and was cooperative, but even though the issue was clearly a matter of great public interest several vitally important witnesses were not forthcoming, including "the Prime Minister...; the Cabinet Office Intelligence Co-ordinator; the Chairman of the Joint Intelligence Committee; the Chief of Defence Intelligence; the Head of the Secret Intelligence service; and the Director of GCHQ"[15] (They did not even respond). The FAC argued that having been tasked with scrutinising FCO policy, it should have had access to the key players in the road to war for it to be able to carry out that function effectively;[16] instead what occurred was "a failure of accountability to Parliament"[17] according to a follow-up report, which detailed FAC disappointment with the Government's refusal to be accommodating with witnesses.[18]

The FAC was also "denied access to whole swathes of official information",[19] further hindering its investigative capacity. The secretive Intelligence and Security Committee (ISC) was the body to which witnesses who refused to appear before the FAC reported, and with which official information was shared, drawing frustration from the FAC and strong recommendation that the ISC should become a select committee,[20] or for it to cease performing the FAC's function of scrutiny of the FCO.[21] Despite further recommendations to Government to clarify the role and standing of the ISC[22] the FAC demand remained unfulfilled. However the Home Affairs Committee also called for the ISC to operate by select committee standards[23] but this was continually refused too; it was not just the FAC alone exerting no immediate influence here. Eventually though a Government Green Paper in 2011 proposed that the ISC be brought further into Parliamentary business to enhance scrutiny over it, with its staff, budget and location coming from within Parliament.[24] So the FAC did influence Government foreign policy, even though in relation to the whole of the Iraq investigation the role of the ISC was a small issue and not at the forefront of the public mind.

Along with changes to the ISC, the FAC impacted upon other somewhat minor areas of policy through scrutiny and accountability; after the FAC complained that Government sources central to the case for war were not made clear, the Government responded saying, "attribution to external sources will be explicit in future documents." [25] Whilst the Government was nowhere near conceding that its premise for war was shaky, the FAC was arguably affecting future foreign affairs through fulfilling its scrutinising role by highlighting the issue which therefore maintained the standard of scrutiny. Although there has not been another military intervention as politically controversial as Iraq and so no truly fair comparisons can be made, future Governments would be under greater pressure to present explicitly their sources of information.

The FAC performs an important job in "[providing] a mechanism for outside stakeholders to engage in the decisions being made." [26] In gathering evidence in 2003, the FAC heard from an acclaimed insider that what was found in Iraq was "not the sort of big national programme that was sold to us as the justification for the war". [27] However as will be explained further, Governments are averse to transforming major foreign policy, which meant that although the FAC collected potentially explosive evidence,[28] it was unable to effectively challenge the Government and change its policy on Iraq. While the Government accepted many recommendations and conclusions from the 2004 'Foreign Policy Aspects of The War Against Terrorism' Report regarding Iraq,[29] many were minor and relatively insignificant with little perspective[30] as the report was analysing under one year of conflict. The most contentious conclusions regarding weapons of mass destruction were categorically disagreed with.[31] The worldwide furore resulting from "the Iraq crisis"[32] meant that Britain – as a partner with the US in the Iraq invasion – was constrained to abide by worldwide opinion on the no-fly zone over Libya in 2011. So although the FAC had a role to play gathering evidence to shed light onto the Iraq affair, it was global opinion and the Government's fear of anticipated reaction from international voices which was the main factor in its restraint over Libya.[33] Again it can be seen that the FAC has little or no role in major policy formation or scrutiny.

The Foreign Affairs Select Committee and UK Foreign Policy

Written by Tom Pettinger

The reports highlighted that the FAC's expectation of scrutiny and influence was higher than that of the Government and the FCO, and presented the FAC's view that proceedings were highly insufficient.[34] This could be because the backbenchers who sat on the FAC at the time had limited perspective, not realising that more powerful scrutiny of Government's foreign policy could be detrimental to Britain retaining "a responsible attitude to [the] country's international position." [35] A further reason the FAC felt imperilled and ineffective could be – as argued by Ross – because "inside the FCO, the recommendations of the FAC are given little attention". [36] Norton notes in *Parliament in the 1980s* that "[committees'] influence [relies] upon the expertise and cogency of their reports and upon *how far government is willing to initiate, review or change a policy*" [emphasis added]. [37] In the case of intervention in Iraq, the Government was not willing to change policy on any major issue – merely the detail that surrounded the big decisions. This meant that from the onset of the Iraq investigations the FAC was very much unable to make a difference to policy, because of how divisive a topic it was. The Government could not afford to be seen to be U-turning on such delicate issues. Because personnel and resources were withheld from the FAC for its initial report, the lack of Government will to change any major policies due to their collective contention, and the fact that only the FAC reports' minor recommendations and conclusions were accepted due to Government inflexibility, it can be said that in respect of Iraq that the FAC had very little influence on foreign policy; that it was ill-resourced, ill-regarded and mostly powerless.

A delegation from the FAC visited the TCI, publishing a report in 2008 which exposed high-level corruption and a political "climate of fear" [38] in the country, concluding that "the UK Government must find a way to assure people that a formal process with safeguards is underway". [39] The Government responded by suspending sections of the TCI constitution to restore democracy, [40] and creating a Special Investigation and Prosecution Team to investigate the alleged corruption that was damaging Britain's "reputation for promoting good governance". [41] Although an interim report was also carried out by a Commissioner which augmented the case for intervention in the TCI, [42] it was the FAC's report that exposed and highlighted the lack of accountability and democracy. This enlightenment was clearly inherently beneficial, as the problem was not being challenged. However, the TCI, since British intervention, has experienced "unacceptable collapse in the fiscal governance of the territory" [43] and citizens' anger about a lack of self-determination has been rising; [44] the British occupation was even described as a "dictatorship". [45] The Committee argued that the Government could have gone further in addressing concerns raised about the TCI, stating that reforms were not efficient enough and carried out too slowly. [46] The 2008 FAC Report undoubtedly made a difference to UK foreign policy, but it was not as effective as the FAC had wanted, and although the Report had radical consequences for the region, the overall results – positive or detrimental – cannot be fully measured, at least in the short-term. The TCI affair was not widely reported in mainstream media, but Richard Ottaway MP and Mike Gapes MP both pointed to it as one of the Committee's primary influences on Government policy, [47][48] and it is widely cited as some of the Committee's most significant work. [49] The scale of recognition of influence of such a relatively small area of policy speaks not of the Committee holding great authority or power; more so of an overt lack of power. The TCI affair is further evidence that the FAC is much more powerful on small issues than major and controversial policy which Government cannot afford – more cannot afford to be *seen* – to alter.

The Committee heard in taking evidence for its 2011 'Implications of Cuts to the BBC World Service' Report that because the Service is a "key component of Britain's soft power", [50] planned cuts in regions with high Muslim populations would hinder Muslim-Western relations by severing links between the two. [51] In the Report the FAC pointed in particular to the uprisings in the Middle East and how valuable a service the BBC was providing in that region. [52] For these reasons in its Report to the FCO, the FAC recommended that like the NHS and the Department for International Development, the Service's funding should be ringfenced. [53] While noting conclusions that the Report highlighted, the Ministerial response was a refusal of further funding on the premise that cuts were being made across the board. [54] Merely a month later though the FCO accepted "substantial [change] to policy," [55] under what is known as the 'delay-drop' effect, accepting the FAC proposal that more funding be made available to the BBC in the Arab region. [56] This meant citizens of the region continued to have access to an important free press. Historic elections have occurred and are under way, heightening the importance of a free and impartial press. The Committee also heard that cuts would mean that in China – an "increasingly influential" [57] country – withdrawal of even further basic democracy in the form of unbiased news coverage would result. [58] John Baron MP placed the soft power of the Service alongside membership of NATO and the strong ties the UK has with the US. [59] If the FAC had prevented all of the proposed cuts, the UK's soft power would continue to impact areas such as China and other

The Foreign Affairs Select Committee and UK Foreign Policy

Written by Tom Pettinger

non-democratic states where cuts were being made to the Service.

Because the Committee's recommendations were eventually accepted regarding the Service in the Middle East, strengthened democracy has featured there through a vital period. Liberation of the press and broadcasting has brought an expectation of a free press in the region.[60] The situation was nowhere near as contentious as Iraq; the Telegraph reported the *presentation* of the policy change as more embarrassing than the actual policy change.[61] Because of this the Government felt able to reverse its policy, which gave the appearance of the FAC holding power.

The FAC, in protecting the Arabic BBC Service, did have a positive impact on the outcome of the Arab Springs uprisings. However extra funding for the Service in Arabia may have come from the FCO anyhow given the exceptional circumstances and the stance of the Government at the time of support for the uprisings,[62] with David Cameron emphasising the need for both hard *and* soft power.[63] And whilst important democratic values were carried out through the free press in the Arab region, the chair of the FAC argues that the FCO "[did] not meet all of [the] Committee's recommendations" and the Committee remains "concerned about the net reductions to service"[64] in areas where democracy does not flourish and the UK's soft power is not exerted. As the Arab region became more heated and elections were announced the Government may have rethought its policy anyway; the unknown cannot be measured.

Evidenced by the three case studies, it can be said that the Committee's influence is only effective to the degree that Governments are willing to allow it; mainly as long as recommendations align with the Government's agenda or philosophy, or if they are not highly politically charged will they be accepted. On small or non-controversial issues such as the minor Iraq recommendations and conclusions, or the less-publicised TCI and BBC instances where the Government had little fear of embarrassment, Governments are largely accommodating. On these issues the FAC performs an important highlighting role, raising awareness of circumstances which would not otherwise have been exposed, and therefore the FAC can be said to make a difference on these occasions. However, on more politically contentious policies Governments are unwilling to concede ground, seen in the case of Iraq, where the Government accepted minor amendments but stiff-armed any challenge of its overall policy, adding weight to the argument that major foreign affairs issues are unique in obtaining minimal Parliamentary influence.

The Constitution Unit's investigation shows the FAC to be especially powerless compared to other committees:[65] although most recommendations are taken on, many are weak and unsubstantial. It is in an exceptional position because it must scrutinise an exceptional area of policy where the main parties must be seen to be working together. Foreign policy is notably unique for its renowned tendency to be controversial and contentious, leading to necessary coherence and unity between front benches and a smaller role for scrutiny. Foreign affairs largely, by their nature, remain fragile. To an extent, no matter how 'flawed' policy is, if the issue is contentious and Government has its agenda firmly set, the Committee will be imperilled, most clearly seen through the Iraq Reports. The BBC and the TCI affairs were arguably the FAC at its strongest – the Committee clearly *did* make a difference to foreign policy here, forcing the Government to bring further funding to the Middle East region at a climactic period, and to suspend sections of the TCI constitution to introduce direct rule. This could happen because these cases did not necessitate a united front with little scrutiny; they were not overly-contentious matters. However, extra funding may have been forthcoming to the BBC from the Government anyway, and the TCI corruption only needed exposure. The three case studies, along with the thorough quantitative findings of The Constitution Unit, provide a strong case that the FAC is mostly effective in scrutinising and changing minor policies or policies where Governments do not have a fixed agenda, but ineffective in making a difference to major and controversial policies.

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The Foreign Affairs Select Committee and UK Foreign Policy

Written by Tom Pettinger

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Appendix

Text of Email "Interview" with Andrew Rosindell

1. Has the Foreign Affairs Select Committee made a difference to UK foreign policy?

A.R.: *Absolutely, the Foreign Affairs Select Committee holds the government to account (on foreign policy) and investigates a whole range of issues. As an entity it monitors decisions and provides a mechanism for outside*

The Foreign Affairs Select Committee and UK Foreign Policy

Written by Tom Pettinger

stakeholders to engage in the decisions being made.

2. Have the committee's powers grown in the globalised world, or are they waning due to external restrictions (EU/UN)?

A.R.: Ultimately the United Kingdom is a sovereign nation with ultimate responsibility for its foreign policy, although the EU and UN can influence policy, it is up to the FA Committee to keep the government in check. The committee travels and meets extensively with a range of people and is held in high regard when doing so.

Text of Email "Interview" with Richard Ottaway

1. Has the Foreign Affairs Select Committee made a difference to UK foreign policy?

R.O.: Yes, we have brought about changes to the funding of world service programmes. In the last parliament it had a big impact on the governance of the Overseas Territories.

2. Have the committee's powers grown in the globalised world, or are they waning due to external restrictions (EU/UN)?

R.O.: Our job is to exercise oversight of the Policy Finance and Administration of the FCO. Our powers has neither grown nor waned.

Text of Email "Interview" with Michael Gapes

1. Has the Foreign Affairs Select Committee made a difference to UK foreign policy?

2. Have the committee's powers grown in the globalised world, or are they waning due to external restrictions (EU/UN)?

M.G.: The answer to both questions is Yes see decision FCO re extra money for BBC world service or re TCI in last part

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The Foreign Affairs Select Committee and UK Foreign Policy

Written by Tom Pettinger

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The Foreign Affairs Select Committee and UK Foreign Policy

Written by Tom Pettinger

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The Foreign Affairs Select Committee and UK Foreign Policy

Written by Tom Pettinger

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Date written: 12/11