

# Parliament, Accountability and Foreign Policy in the UK



## Claire Wren

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## Context

Much of the recent accountability debate has focused on the creation of informal structures to establish a web of accountability between different organisations and their stakeholders. As important as that is, it is essential that formal and democratic processes are also in place: there must be clear lines of accountability for the public through Parliament to the relevant organisations. A recent study, by the One World Trust, has found that Parliament is currently ill equipped through its processes and procedures to ensure effective accountability of international organisations.<sup>1</sup> Reforms that would improve this situation, to allow Parliament to carry out its function at an international level, include reform of the Royal Prerogative, improving access to information (extending the rights under the Freedom of Information Act), mainstreaming of international affairs and ensuring that, as with other organisations, a culture of accountability is entrenched.

## The accountability of international affairs

As readers of *AccountAbility Forum* are well aware, accountability can take many different forms. However, one such form that is often overlooked is 'traditional' democratic accountability whereby a line of accountability runs from the citizen, through elections to the legislature, which in turn holds the government to account for the decisions that it makes that affect everyone's daily life. This is both the core of democracy and accountability.

While there is space for criticism of this system — the need for electoral reform, an overweening executive, etc. — in countries such as the UK it is broadly the case that this line runs unbroken, for most areas.

International affairs is the significant

exception to this general rule, however; what was once an esoteric topic reserved for the scholars at St Anthony's College Oxford or the bureaucrats in the Foreign Office has expanded to affect every nook and cranny of everyday lives.

A recent study jointly conducted by the One World Trust, in conjunction with Democratic Audit and the Federal Trust for Education and Research, considered the processes and procedures for the oversight of international affairs by the UK Parliament.<sup>2</sup> Moving beyond a traditional notion of foreign policy to consider the influence of the European Union and international organisations, the study established that while the influence of such

<sup>1</sup> *Simon Burall, Brendan Donnelly and Stuart Weir, Not in Our Name: Democracy and Foreign Policy in the UK (London: Methuen, 2006).*

<sup>2</sup> *Ibid.*

The **One World Trust** was established in 1951 by the All-Party Parliamentary Group for World Government; the Trust works on issues of international accountability.

**Democratic Audit** was set up by the Joseph Rowntree Charitable Trust in 1991 to measure democracy in the UK and is attached to the Human Rights Centre at the University of Essex.

The **Federal Trust for Education and Research** is a think-tank founded to promote studies in the principles of international relations, international justice and supranational government; the Federal Trust has a particular interest in the European Union.

organisations is highly developed  
their democratic structures are not.

Although much parliamentary oversight of other areas of policy derive from legislation passed through due democratic processes (debates in Parliament, votes, etc.), there is no similar process for foreign affairs due to the continued existence of the Royal Prerogative. This hangover from the time of the absolute monarch who could take Britain to war over a marriage proposal, gives the power to the Prime Minister to carry out many of the acts that make a foreign policy — from going to war to signing treaties. So broad are the powers conferred by the Royal Prerogative that even attempts to enumerate them are resisted by the Cabinet Office. Thus, its continued existence removes the fundamental basis of most oversight. Therefore, it is essential for

effective parliamentary accountability that the Royal Prerogative be codified and placed on a statutory basis; this is the only way to ensure the public and relevant oversight bodies are aware of proposed government action.

#### **Transparency and freedom of information**

The need to know what the government is doing is a basis for any effective accountability, and as with other forms of accountability transparency is essential. Without the knowledge that comes with such transparency and freedom of information it is impossible for parliamentarians to act and hold the government to account. As with the Royal Prerogative, international affairs are again the exception in the current regimen of freedom of information.

## “Parliament must start to more effectively exert its right of democratic oversight”

While there are many exemptions and exceptions to the Freedom of Information Act 2000, the broadest and most sweeping of all are those concerned with international affairs. Section 27(a) of the Act exempts from the provisions of the Act information that ‘would be likely to prejudice relations between the United Kingdom and any other State’, while section 27(b) exempts information that ‘would be likely to prejudice relations between the United Kingdom and any international organisation or international court’. To this duo of sweeping exemptions is added section 27(c) which exempts information that ‘would be likely to prejudice the United Kingdom’s interest abroad’ and, finally, to complete the square of exclusion section 27(d) exempts information that ‘would be likely to prejudice the promotion or protection by the UK of its interests abroad’. Together these provisions effectively ensure that very little information related to any form of international relations can be exposed through the use of the Freedom of Information Act — the legislation that is meant to ensure access to information in the UK.

To guarantee there is adequate access to the information essential for any effective form of parliamentary oversight, the Freedom of Information

Act must be reformed to limit the scope of these exemptions.

However, improving oversight does not mean providing information when requested by a member of the public. The government must actively seek to provide information to Parliament in order to ensure it is able to make informed and timely inputs. One such example is tabling the agenda for forthcoming meetings of the European Union or international organisations — such provision of information in a timely manner would allow the relevant Select Committee to act on the items in the agenda in advance of a meeting. This shift to *ex ante* scrutiny would increase the role of Parliament in the development of foreign policy. Thus, a simple change can start to shift the balance of power towards those that are democratically elected.

### **Reforming parliamentary procedures**

Yet the processes and procedures of Parliament itself need reform: Parliament must start to more effectively exert its right of democratic oversight; our research revealed a lack of a consistent and coordinated approach to oversight of foreign policy. For example, the International Development Select Committee pays great attention to international organisations that work

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in relevant areas, while the Health Select Committee gives far less consideration to the role of the World Health Organisation, even as the world faces the threat of avian flu.

Unlike in the competitive atmosphere of the US Congress, committees in the UK Parliament would prefer to back away from an issue if they think that it might fall within another committee’s remit. This means that it is all too easy for something to fall through the gaps. Similarly, a strategic approach to the work of committees would greatly increase effective oversight.

In the report we study the example of the International Development Committee which has an innovative approach to the work that it does — choosing to address development as a theme across government departments and international organisations, therefore not getting caught out by artificial boundaries between departments. In another innovation it introduced yearly evidence sessions that follow the annual meetings of the World Bank and IMF. This then influences the Minister at these meetings as they realise they will have to give an account on their return.

It is clear that there is public support for these reforms; in an opinion poll<sup>3</sup>

commissioned as part of the research for the project, 85% of respondents supported ‘Parliament as a whole’ in deciding Britain’s main foreign policy objectives, against a mere 13% who thought such decisions should be the responsibility of ‘the Prime Minister, Ministers and their advisers’. It was also clear from the same poll that the British public is supportive of an ethical foreign policy with 89% believing that the UK should go to war only with the backing of the United Nations; 83% thought that British companies should be prohibited from exporting military equipment to countries that violate their citizens’ human rights, though reminded that exports are an important part of the British economy.

### **Conclusion**

It is an essential part of the formal accountability structures of society that the public has a designated forum for the discussion of such issues, the representation of views, and the balancing of issues. Parliament is the correct place for this.

As with many other areas in which accountability is debated, what is most important is that there is a culture shift that entrenches the importance of accountability within the institution. In this case it is essential that Parliament recognises that

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<sup>3</sup> ICM Research interviewed a random sample of 1,007 adults aged 18-plus by telephone between 13 and 15 January 2006. Interviews were conducted across the country and the results have been weighted to the profile of all adults.

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decisions made at an international level do affect, and are of interest to, the UK public and that Parliament is an essential part of the line of accountability. Until there is such a realisation, and the requisite culture

change that entrenches the need to hold the government to account for international decisions, there will continue to be gaps in the role that Parliament plays.