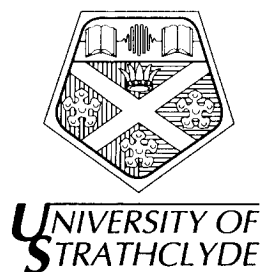


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TONY BLAIR, PAST PRIME MINISTERS, PARLIAMENT AND THE USE OF MILITARY FORCE

by

Matt Lyus and Peter Hennessy

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Parliament and the Use of Military Force**

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A conventional wisdom has baked hard about the Blair style of government - that he is a command premier in Whitehall and a reluctant Parliamentarian who sees the House of Commons as but one of several governing instruments rather than as *the* sounding board of the nation. Conventional wisdom has failed to take note of one important and singular plus which rebounds to Tony Blair's credit. When a second Gulf War looked imminent in February 1998 he became the first Prime Minister since 1945 to give the Commons a chance to directly approve the use of force - something denied to the House by Clement Attlee over Korea, Sir Anthony Eden during the Suez Affair, Margaret Thatcher at the time of the Falklands crisis and John Major in the run-up to the Gulf War.

Only two MP's remain on the backbenches who were sitting in the Commons during all four of those limited wars -- Tony Benn and Sir Edward Heath. And in February 1998 as the House debated the use of force and Saddam Hussein continued to defy the UN's weapons inspectors, Mr Benn (with Sir Edward nodding his concurrence) said 'This is a unique debate as far as I am concerned ... I cannot remember an occasion when any Government asked the House to authorise, in a resolution, action which could lead to force.'¹

With the possibility of British military power being used in the near future to counter terrorism of the Bin Laden and other varieties and with the Government's *Strategic Defence Review* of July 1998 underscoring an intention to have redesigned and re-equipped Armed Forces in a position 'to go to the crisis' and 'to project power more flexibly round the world,' as the Defence Secretary, George Robertson, put it,² the question of Parliament's say over military operations outside the UK is likely to remain a live one.

As Mr Benn went on to explain in the Commons, the power to declare war or to commit our armed forces to action is a prerogative power, that is one which is exercised by the Government on behalf of Her Majesty (they are after all Her Majesty's Armed Forces). Thanks to the 'gift' of its absolute powers made by the Monarchy in the Revolutionary Settlement of 1688 this particular prerogative is now one of many which resides with the Prime Minister and Whitehall, rather than with Parliament. If an American President wishes to send troops into a serious battle, he would first have to secure the approval of Congress. The British Prime Minister *only* has to consult his Cabinet colleagues and the Monarch before undertaking such action; no prior consultation with Parliament would be necessary.

The role of Parliament during times of conflict is effectively determined by the ruling executive. Ostensibly decisions are taken by Parliament in the name of the Monarch who has to give each piece of legislation her royal assent. The reality is that, notwithstanding those rare occasions when the Government of the day has either a small or a

non-existent majority, it is the executive which holds the levers of power, at least within the Palace of Westminster. As long ago as 1904 Sidney Low was articulating the impotence of true opposition: 'The theory is that the Ministers must justify each and all their acts before the representatives of the nation at every stage; if they fail to do so those representatives will turn them out of office. But in our modern practice the Cabinet is scarcely ever turned out of office by Parliament *whatever it does*.' ³ The absence of any real power, other than any number of delaying tactics which merely postpone the inevitable, reduces them to a condition which the Labour backbencher, Austen Mitchell has likened to 'heckling the steamroller.'⁴ If this is a daily reality, why should it be any different during times of national crisis?

Britain has not declared war in recent times. The last occasion was against Siam in 1942, ⁵ nearly three years after Neville Chamberlain informed the nation that Britain was at war with Germany. Since Hitler's demise in 1945 British Armed forces have been employed, several times, under the ancient mystery of the royal prerogative, sometimes on a substantial scale as during the four occasions that Tony Benn referred to, - Korea, Suez, the Falklands and the first Gulf War. To what extent then, was Parliament involved in the use of force in 1950, 1956, 1982 and 1991?

The outbreak of the Korean War in June 1950, when communist North Korean forces burst across the 38th parallel which split the country in two, was the first shooting war of the confrontation between east and west. It seemed to many analysts the moment when cold war might turn into hot war especially if Stalin was using Kim Il Sung's forces as a surrogate army which might distract the west from more direct military moves against Western Europe. Rather than the fear of the unknown in what was fast becoming the nuclear age, it was the memories of the Second World War, and particularly the vexed matter of appeasement, which provided the thrust of the political response to the ensuing crisis.

The British Government under Prime Minister Clement Attlee had no doubt that Britain would have to give the Americans their support. 'Naked aggression and it must be checked,' he told the House in his typically clipped tones after it had been announced on 27 June 1950 that President Truman was to dispatch US troops to aide the South Korean forces. ⁶ This was followed the next day by the announcement that British naval forces stationed in Japanese waters were to be put at the disposal at the Americans. This effectively determined that in the event of the conflict deepening into war Britain would help to spearhead the military campaign, 'distant obligation' (as Cabinet Secretary, Sir Norman Brook, bringing a civil servant's note of caution to the proceedings remarked) or 'no distant obligation.'⁷ No vote had been taken, Parliament had merely been informed of the military position and the response that was being made, yet British forces had been dispatched

and might soon have found themselves embroiled in battle. A small group of ministers, together with their civil servants and acting on advice from the Chiefs of Staff, had dictated the immediate response to events in Korea.

The prevailing mood amongst MP's, which was demonstrated during the initial debate on the crisis which took place some ten days after the invasion had occurred, indicated that Parliament would do little to question the use of the troops sent to Korea to counteract the Communist threat. Speaker after speaker rose to argue that the lessons of 1938 had not only to be learnt but put into practice with immediate effect. There could be no return to Munich. Everybody remembered the tumultuous consequences of appeasement. Even those who declared themselves to abhor the idea of war argued that if nothing was done it may be the start of a Communist insurgency which could sweep across Europe. The Labour MP for Glasgow, Shettleston, Eric McGovern, spoke for many when he said 'I have as great a hatred of war as any man in the House, and as great a desire for peace as any living human being, but today I see as being a situation in which we must either accept the challenge or allow country after country to go down.'⁸ The only dissenting voices came from two Government backbench MP's, Emrys Hughes and S.O. Davies, the latter voicing his belief that the United Nations should not interfere with what was clearly a war of self-determination for the North Koreans whose wholly understandable desire was to reunify their nation occupied by the Japanese and divided after their defeat.⁹

Winston Churchill, the most seasoned of all warriors in a House of Commons where he led the Opposition, did, however, question whether the Government should involve Parliament more in the unfolding military crisis. Despite offering his and his Party's unreserved support for the Government's initial handling of the Korean crisis, he suggested that a proper vote in the division lobbies would be a better indicator of Parliament's resolution to tackle the problem than a collection of forceful speeches. He argued that: 'There are grave dangers, as we learned in the war, that false impressions may be created abroad by a debate prominently occupied by a handful of dissenters. It is better to have a division so that everyone can know how the House of Commons stands and in which proportion.'¹⁰ Churchill requested a World War II-style secret session of Parliament to debate the current military position. 'There never has been a period that I can remember covering the present century, in which the British public and the British Parliament were so totally ignorant of the conditions which exist,' he declared.¹¹

Churchill failed to get his secret debate by just a single vote. He also failed to persuade Attlee to grant a vote in the division lobby (by 296 votes to 295 on the motion proposed 'That strangers do withdraw'¹²). The motion supporting the Government's handling of the

crisis was voted through on a motion that 'This House do adjourn' on July 27th. Furthermore, despite the increasing seriousness of the events in Korea the Prime Minister did not recall Parliament until September 12th. As he explained to King George VI in August, he felt that he could not 'find any substantial reason for an earlier recall as it did not seem to me that another debate without definite action to be taken by the House would be useful.'¹³ Aside from an exchange of party political broadcasts at the end of August in which Churchill criticised Attlee for not bringing the issue back to the House earlier, it was not until the three-day debate began on the twelfth that Parliament was given a proper chance to assert its influence. Yet essentially no new ground was covered in the debate. The arguments had already been exhausted, the Opposition merely reinforced their criticisms concerning the lack of information given to Parliament over the preparations for military action, as well as the fact that many felt that too few troops had been sent too late. Effectively the issue had been settled.

Attlee's immediate response to the UN resolution calling for its members to assist in gaining a cease-fire and the withdrawal of North Korean troops presented Parliament with a *fait accompli*. Britain was now committed to aiding the Americans in responding to the attack on South Korea and withdrawal from that position was unthinkable, standing in the breach with the Americans was a policy on which the vast majority of Parliamentarians could agree upon. In this instance Parliament merely concurred in confirming the approach of Attlee's Government to Korea.

The legal implications of the conflict in Korea were examined in a series of memoranda and notes made by Sir Hartley Shawcross, the Attorney General, the Lord Chancellor, Viscount Jowitt, the Cabinet Secretary, Brook, and the Prime Minister between 1950-51. The matter was complicated by the obvious problem that neither Britain or the United States had officially declared themselves to be at war with North Korea, nor did they demonstrate any likelihood of doing so. The establishment of the United Nations as part of the post-war settlement designed to create a more ordered world, had ushered in a new era of hoped for co-operation and international law. Whilst there could be no doubt that a state of war existed between North and South Korea, both the US and British Governments could present their military operations as 'international policing' under the auspices of the UN. (Although both the Lord Chancellor and the Attorney-General stated in separate memoranda that they were inclined to accept that, for all intents and purposes, Britain was at war with North Korea).¹⁴

A memorandum written by Attlee in July 1951 set out some of the difficulties that were presented by the events in the Far East. An interesting conjecture was raised in the document which read; 'It is arguable that under the United Nations Charter war is outlawed and that any conflict in which we may be involved in pursuance of our

obligations under the Charter should, strictly, be considered as an international peace operation rather than as war.' ¹⁵ If this was true then it raised serious questions about the role of Parliament in any future conflict, amongst other issues. As Attlee argued, the parts of the prerogative and common law which were brought into play when a conflict arose had their basis in the defence of the realm. If, however, Britain now sought to apply the same laws on a supra-national, as opposed to a national, basis then there could be a number of complications. Chief amongst these would be that not all the 'comprehensive' powers which could be placed at the disposal of the Government under emergency defence regulations would be required as part of an international operation. Parliament might, therefore, in Attlee's words, be reluctant to grant such powers 'for all police operations before they occurred,' as the security of the realm was indirectly threatened, and Britain was not actually 'in a state of war.' ¹⁶

The fact remained, however, that despite Attlee's concerns, the parade ground where the best drilled votes in the democratic world took place would remain in the firm grip of any strong executive (even in this case a Government whose majority had fallen to six after the February 1950 general election). When it came to the crunch, a Government holding even a slight majority could reasonably expect to count on the loyalty of its backbench members to see it through the debates. Parliament's role would ultimately be limited to legitimising the Government's adopted policy. It could raise questions, demand answers and make life as awkward for the executive as possible. But only a conflict which was very divisive, cleaving both politicians and the public, could bring Parliament to anywhere close to forefront in determining national policy.

The Suez Crisis, not surprisingly, proved to be an altogether more controversial issue. The events which occurred during the summer and autumn of 1956 in Egypt and the corridors of Whitehall and Westminster were to shatter the illusions of many about Britain's place in the world. It also caused irreparable damage to a number of careers. For Prime Minister Sir Anthony Eden the matter became a very personal crusade, against Colonel Nasser whose nationalisation of the Suez Canal Company precipitated a crisis in British politics which only eased with Eden's resignation in January 1957.

Coming still barely a decade after the end of World War II and only three years after the end of the Korean War, Suez was initially greeted by a certain degree of unanimity amongst the front benches of a kind that had been displayed at the outset of the Korean crisis. The first Suez debate, which took place on August 2nd 1956, a week-and-a-half after the nationalization of the Canal Company by Nasser, revealed that there was little argument that action had to be taken against the Arab leader who had after all broken past treaty agreements. (These were the 'Concession', which defined the rights and status of the Suez Canal

Company and the obligations of the Egyptian Government towards it, and which had been endorsed by Colonel Nasser only two months previously. Also the Suez Canal Convention of 1888, which allowed free navigation of the Canal by any nation during both war and peacetime.) This debate interrupted the normal business of the House and therefore no question was posed and no vote was taken.¹⁷

Memories of appeasement were again revived as Nasser was compared to the Fascist dictators in the same way that the North Koreans had been to the German aggressors in 1939. Eden, who in the late 1930's had spoken out strongly against appeasement, now voiced his hostility towards this new threat to British interests. Even the Labour Opposition Leader, Hugh Gaitskell, commented that 'It is all very familiar. It is exactly the same that we encountered from Mussolini and Hitler in those years before the war.'¹⁸ But it was a cautious approval and Gaitskell met with Eden on August 14th and asked him to recall Parliament during the summer recess in order to fully debate the matter as the crisis developed. He also asked the Prime Minister to issue a public statement which made it clear that the military measures which the Government was undertaking were of a purely precautionary nature and were not preparations for possible armed intervention if negotiations broke down. Like Attlee before him, Eden refused the Opposition Leader's request and no such statement was made.¹⁹ Nor was a debate held again until September 12th.

When the debate began on the 12th it quickly became clear that there was no longer unanimity between the Front Benches. Eden began by telling the House that 'We shall continue to make every effort ... to secure our rights by negotiation, but should those efforts fail the Government must be free to take whatever steps are open to them to restore the situation.'²⁰ Gaitskell retorted that in the first debate in August he believed that the use of force could only be justified either in self-defence or as part of some collective defence measures under the auspices of a body like the UN. Now 'I also say ... that the Government were entitled to take genuinely precautionary military steps. I have no idea - nor have the Government told me - exactly on what scale these steps were taken, though I must say that they appear from press reports to have been very much more substantial than many of us...expected originally.'²¹ (Both *The Times* and *The Daily Telegraph* had run articles which appeared to suggest that the Government was more than ready to use force to resolve the crisis in Egypt; the former arguing that 'The position is that Britain and France are prepared to take action, if reasonable agreement cannot be reached';²² whilst the latter wrote that 'Britain and France have spared no pains to make perfectly clear to the United States their intention to use force if peaceful means fail to persuade Col. Nasser to accept international control.'²³)

Gaitskell continued the attack by accusing the Government of not telling the House the fully story on the Government's attitude towards

the use of force: 'The Prime Minister, in his speech [on August 2nd], made virtually no reference to that subject at all. All he told us was that certain precautionary measures of a military nature were being taken. When he said just now that the Government stuck to the policy which they had adopted, the plain fact is that no policy of force was then announced.'²⁴ It was clear that the Labour Leader was not prepared to sit back and let Eden conduct his policy unopposed; rather it was his intention that the executive had to be made to justify any use of force.

Eden had, somewhat ironically, opened the proceedings by saying that 'The debate which took place at the beginning of August revealed ... a remarkable measure of unanimity of opinion in this House and in the country.'²⁵ Whatever degree of agreement had existed when the crisis broke it was clearly now slowly developing into a wide divergence of opinion. Although few MP's denied that Nasser had to be made to back down from his position, many on the Opposition benches voiced their increasingly vocal belief that Eden and his Government could become far too heavy-handed in dealing with the Colonel, whose character, conduct and military power were such that any comparisons with pre-war dictators were far-fetched.

During the debate Eden refused to be drawn on whether or not Britain would be willing to go to war with Egypt, simply saying that 'Her Majesty's Government and others concerned will be free to take such further steps as seem to be required, either through the United Nations, or by other means, for the assertion of their rights.'²⁶ When he sought to argue that 'There was also acceptance of the view that the precautionary military measures taken by the Government had been justified,' shouts of 'No!' and 'Resign!' could be heard from the Opposition benches.²⁷

The Opposition was venting its growing disapproval at the way the Suez crisis was being handled and the atmosphere on the floor was becoming increasingly fractious and tense. As a body which existed, at least in part, to subject executive actions to scrutiny and influence, it was at this moment that Parliament demonstrated its ability to fulfil those functions. But by the time that the two-day debate was concluded late into the night of September 13th, the Government had secured a victory in the division lobby on a motion designed to support their handling of the crisis. Selwyn Lloyd, the Foreign Secretary, moved the motion "That this House condemns the arbitrary action of the Egyptian Government in seizing control of the Suez Canal; endorses the proposals adopted by the 18 Powers at the London Conference which would ensure that an international waterway so essential to the economic life, standard of living and employment of this and other countries would not remain in the unrestricted control of any single government; welcomes the sustained and continuing efforts of HM Government to advance a peaceful settlement; and affirms its support for the statement of policy making by the Prime Minister to this House of 12th September."²⁸

There was a Liberal amendment seeking to delete the words of the motion after 'any single government' and to add "but regrets that HM Government did not issue a further invitation immediately to the 22 Governments who were invited to and attended the first conference so as to discuss with them what further steps to take to ensure the future of the Suez Canal for world use, and failing any agreement by negotiation to refer the matter then to the United Nations in conformity with the UN Charter." ²⁹ This amendment was defeated by 321 votes to 251, (the main question was voted through by 319 to 248 votes.)³⁰

It was plain to most observers, however, that the debate itself had clearly been won by the Opposition, skillfully led by Gaitskell, which amidst high excitement had forced Eden to backtrack on his reluctance to say whether or not he intended to use force should there be a breakdown in negotiations. When Gaitskell demanded to know if he was prepared to say that Her Majesty's Government would not shoot her way through to Egypt, Eden conceded that if Egypt did not co-operate and remained in default of the 1888 Convention, (which was supposed to provide free access to all ships at all times through the Canal), then 'we should take them to the Security Council.'³¹ In the cold light of day away from the adrenaline-charged atmosphere of that particular night in the House, Eden's statement could be seen to contain more than a fair degree of ambiguity. But there was little doubt that the Opposition felt that it had done its job well. The pages of Richard Crossman's diaries recalling this moment positively purr with satisfaction. 'There was an extraordinary sense of exultation in the Labour lobbies,' wrote Crossman. 'You could feel the Party at last feeling that it had done a good job, that they were all together, that the Government was on the run...today the Smoking Room was full of surmises about the immediate dissolution of the Tory Party.'³²

But when the two-day debate ended, the Government, unsurprisingly, had gained parliamentary approval for the continued conduct of its policy thanks to its majority in the House. It was free to carry on, secure in the legitimisation that the House had awarded it in the division lobby. The limits of its authority had been clearly defined. Yet with the country becoming increasingly divided both on and across party lines there was bound to be room for further controversy and argument at Westminster. Public opinion polls, published at various intervals throughout the Suez Crisis from the beginning of August until the start of November, presented a vivid impression of how, as events in Egypt grew steadily worse, support slowly ebbed away from both Eden and his Government. Two polls conducted by the *Daily Express* on August 16th and September 10th showed just how this initial support for the Conservatives softened and opinions became more divided. Whereas the first poll showed 58% of people questioned were satisfied with the handling of events, the second poll revealed that only 49% were now endorsing the same policy. ³³ And on 6 November - the day the Cabinet

caused Eden to halt the invasion of Egypt - the Chairman of the Conservative Party, Oliver Poole, was writing to the Prime Minister arguing that 'the country is evenly divided about the action in Suez. But it is also apparent that the "liberal" element in the country is against the Government and feels extremely strongly ... it may be some time, if ever, before we regain their confidence.'³⁴

From late September the position in the Middle East had deteriorated and on October 27th Israel mobilised her troops and invaded Sinai. Three days later the French Prime Minister, Guy Mollet, and his Foreign Secretary, Christian Pineau, arrived in London and Eden announced to an expectant House that same afternoon the result of the talks between the two governments. The Prime Minister stated that they had demanded an immediate cease-fire and withdrawal of both sets of forces from the Suez Canal. Moreover if either side failed to comply with these demands then 'British and French forces will intervene in whatever strength maybe necessary to secure compliance.'³⁵ Gaitskell quickly pressured Eden to refrain from taking any military action until the Security Council had reached a decision or at least until Parliament had fully debated the matter. Eden once again refused saying that the matter was too urgent to delay any action and that no assurances could be given.³⁶ Parliament sat powerless as the British and French Governments, later that same day, vetoed an American-backed Security Council resolution requiring Israel to withdraw her forces and on all U.N members to refrain from either threatening or using force in the area.

Over the next day the crisis began to build towards a crescendo of rumour and vociferous argument. Eden stood in the House resolutely defending his belief that in view of Egyptian provocation, it was impossible to support the American condemnation of Israeli aggression. As he sat down Gaitskell rose and began to attack the Government for its intransigence, for its utter refusal to listen to its friends in the Security Council. Finally, promising a strongly worded censure motion when the Commons reconvened the following day, he sat back in his place on the bench as accusation and counter-accusation, flew about his head.³⁷ More ominous for Eden and his Ministers, however, was the growing rumour circulating the corridors of the Palace of Westminster and the outside world that there had been collusion between Britain, France and Israel over the events of the past week. Gathering strength as it passed from mouth to mouth, it came to overshadow the whole Suez affair and, for evermore, it was intertwined with the fate and reputation of Sir Anthony Eden.

When on November 1st the House sat once more to debate what had become the most dramatic political issue of the post-war period, the tension was made even more unbearable by the knowledge that the bombing of Egypt had started. So electric was the atmosphere, so emotional the debate, that before long the House was in such uproar that

the Speaker had to suspend the proceedings for half-an-hour to allow passions to cool.³⁸ The next few days saw both the country and its elected representatives talk of nothing else but Suez. Emergency debates were held, the ordinary business of the nation suspended as Parliament sat on long after the last day of that year's parliamentary session had passed. Hour after hour the Commons was in uproar, firstly following the announcement of the U.N. Assembly's resolution calling for an immediate cease-fire, and then when Eden announced the conditions which he and his French counterpart had placed upon the acceptance of that resolution. Gaitskell demanded Eden's resignation as the Prime Minister stood in defiance of world opinion, stressing that he must accept the will of the U.N. and take any further action under their auspices.³⁹

Parliament had become the focus of the nation's attention. The UK's most important ally, the United States, remained opposed to the policy of invasion. Most of the Commonwealth was similarly hostile and much of Europe had its mind focused on another pressing matter, the crisis in Hungary. Public opinion remained passionately divided with demonstrations being held in Trafalgar Square in condemnation of the war. Many on both Left and Right resolutely questioned the morality of two advanced and still powerful nations forcing their will on a distinctly weaker country. The suspicion of collusion with Israel fanned the flames of argument.

Cracks had already started to appear even within Government ranks. Only two middle-ranking ministers resigned, Anthony Nutting from his post at the Foreign Office and Edward Boyle at the Treasury. But the damage was seen to be done. Gaitskell, in an Opposition broadcast on November 4th, raised the stakes considerably by saying that the Labour Opposition would be prepared to support a new Prime Minister, in the event of disaffected Tories securing Eden's resignation over Suez.⁴⁰ In effect Gaitskell was inviting Parliament to assert itself as *the* sovereign body under the Crown.

It was pressure from the United States and the United Nations, rather than from the House of Commons which persuaded the Cabinet to abandon both Eden's policy and the invasion of Egypt when it met on November 6th.⁴¹ The campaign was halted with the Anglo-French forces within miles of achieving their objective of securing the Canal. Eden announced to an expectant House on November 6th that at midnight, British forces would cease-fire unless they were attacked.⁴²

Suez Affair saw Parliament at perhaps its most effective during times of crisis in the post-war era. True it could not force Eden or his Government to back down from their perilous course, nor could it secure any vote against the Government or ultimately cause it to fall. But it did make it a very testing and unpleasant time to be a member of the executive. As a body it became the focus for the nation's anxieties and criticisms over Suez, acting as a massive pressure group focusing

all its energy on delivering an intensive scrutiny of the conduct of what turned out to be a very complicated issue. As General Sir Charles Keightley, Commander-in-Chief of the joint Anglo-French invasion force, put it in his secret inquest on the Suez affair, 'Her Majesty's Opposition "rocked the landing craft."'⁴³ The ensuing controversy about the collusion with Israel over the invasion of Egypt gave the House of Commons a further opportunity to exercise its right to act as the most effective check on the executive, and the issue dominated Eden's last appearance in the House as Prime Minister on December 20th.⁴⁴

The Falklands War of 1982 provided the next substantial deployment of British troops in circumstances of armed conflict. The similarities with the events of Suez were to prove striking. Once more Britain prepared to stand virtually alone, if need be, in the arena of world opinion, with the Americans initially reluctant to give full and open support to the UK. The question of morality arose once more with a Conservative Government once again taking the decision to pit the nation's advanced industrial and military might against a lesser power in Argentina (albeit one with far shorter supply lines to the area of battle). Public opinion, as indicated by Max Hastings and Simon Jenkins, whilst widely approving the sending of the task force, did so at a time when this did not entail a declaration of hostilities.⁴⁵ Nevertheless, this did not prevent a narrow majority of people, when asked whether regaining the Falklands was worth the loss of life, answering 'no' in a series of MORI polls before hostilities began in earnest.⁴⁶ With opinion so divided as to whether or not what was at stake for Britain was worth the cost, both in economic and human terms, Parliament was to be the focus of national argument.

When in early April 1982 most of Britain, including it seems many in both Whitehall and Westminster, awoke to the surprise news of an Argentinian invasion of the Falkland Islands there seemed a real possibility that senior civil servants would have to delve into the cupboards for the file telling them the correct procedure for declaring war as another power had launched an act of aggression against a piece of UK territory. (In fact, neither the Home Office nor the Public Record Office could find it. The 1939 drill for declaring war was only found in the Foreign Office's 'General and Miscellaneous' category where it had been deposited on 18th September 1939 in time to be shown to a party of students from Queen Mary and Westfield College visiting the PRO in December 1994.⁴⁷) In the event, the Government decided against a declaration of war on Argentina, relying instead on a United Nation's Security Council Resolution.⁴⁸

Mrs Thatcher's memoirs strikingly reveal part of the decision-making process which sent British troops towards the prospect of engaging in their first real war for a generation. Once more there was to be no prior consultation with the democratic representatives of the nation. She recalled that 'At 9.45 on Friday morning (2nd April)

Cabinet met again. I reported that an Argentine invasion was now imminent. We would meet later in the day to consider once more the question of sending a task force though to my mind the issue by this stage was not so much whether we should act, but how.⁴⁹ Parliament was briefed the next day, during an emergency debate, the first held on a Saturday since Suez, of the seriousness of the crisis. Mrs Thatcher began by informing the Commons that the decision to send the Task Force had been taken, (at 7.30 in the previous evening as the Cabinet sat in Number 10 Downing Street.)⁵⁰ Parliamentary approval was strictly unnecessary, the Task Force could be despatched under the royal prerogative. But the Cabinet's decision needed the legitimisation that only the House of Commons could give.

The debate which ensued after the announcement was made was, recalls Mrs Thatcher, 'the most difficult I ever had to face.'⁵¹ The main argument centred not on the actual deployment of British troops, however, but on the Government's handling of the Argentinian crisis prior to the invasion. With the exception of a few members on the Labour backbenches (Tony Benn prominent amongst them) there was little dissension on the matter of responding with speed to General Galtieri's action in the South Atlantic. As Mr Benn recalled 'The House was in a jingoistic mood ... Michael Foot [Leader of the Opposition] attacked Argentina, blamed the Government and said the whole situation had to be put right.'⁵² The only charges that were directed at the Government benches were those of incompetence for failing to foresee and forestall what happened in the months leading up to the invasion. What concerned the majority of MP's was the ministerial, Whitehall and intelligence failures which could have prevented the need to engage in any form of military operation.⁵³

Once the emergency debate had been concluded, the executive comfortably secured the agreement of the House for sending the task force. The debate took place on the motion to adjourn the House and, therefore, no vote occurred; a motion to continue the debate beyond the proposed adjournment of the House at 2 o'clock was defeated by 204 votes to 115.⁵⁴ As the Prime Minister recounted, the outcome, was 'unanimous, but grudging support of a Commons that was anxious to support the Government's policy, while reserving judgement on the Government's performance.' But most importantly, 'We had received the agreement of the House of Commons for the strategy of sending the task force. And that was what mattered.'⁵⁵ Not everyone in Whitehall was so certain in their judgement, however. Sir John Stanier, shortly to be made Chief of the General Staff, told Tony Benn in a private conversation that 'I can't say anything about the Falkland Islands, but I can tell you that I think the decision to dispatch the Task Force, taken before the House of Commons debate on 3rd April, is a decision that we shall all live to regret.'⁵⁶

Once the first shots were fired in anger and men started dying doubts did indeed begin to surface. *The Times* published an opinion poll which showed that 3 out of 5 people questioned were in favour of a cessation of violence.⁵⁷ A series of peace rallies were organised and attended by an ever increasing number of people.⁵⁸ The sinking of the Argentine Warship, the *General Belgrano* on May 2nd and *HMS Sheffield* days later affected the discourse of the House of Commons. The nature of the debates, however, provided little opportunity for any opposition to flourish. They were held on several occasions during April and May but no substantive motions were put down and all were conducted on the adjournment of the House. As Tony Benn lamented in the pages of his diary 'We have not gone to war officially; the Task Force left without a vote; there hasn't been a vote on anything yet.'⁵⁹

The Labour Party itself appeared to be internally divided on what exactly their official line should be. The Front Bench team were increasingly critical of the Conservatives' handling of the crisis, but the breakdown of the frantic series of negotiations, which had been conducted by American Secretary of State, Alexander Haig, and could have prevented the Falklands conflict from breaking out into open hostilities, and the subsequent decision taken on May 18th by the War Cabinet to authorise the landing on the Falklands,⁶⁰ was not enough to unite them. Michael Foot and the majority of the Front Bench wanted to abstain from supporting the Government in the division lobbies,⁶¹ those on the Left and three Front Bench spokesmen demanded that there had to be a vote against otherwise Mrs Thatcher would declare that there was unanimous support for her Government if there was no 'No' vote.⁶² Those such as Tam Dalyell, Judith Hart, Bob Cryer and Benn himself felt that the Labour leadership had betrayed the country by failing to provide any check on the jingoistic spirit that still permeated much of the Commons.⁶³

When it came to the vote on May 20th Tony Benn, along with his rebellious colleagues, attempted to engineer a 'no' against the adjournment of the House. This appeared the only way in which those who opposed the Government line could force a continuation of the debate. As he explained on the floor of the Commons; 'As the Prime Minister told the House, responsibility lies not with Parliament but with the Government. She constantly reminded the Leader of the Opposition that it was for the Government to act ... By voting against the adjournment the House shows that it wishes to continue the debate so that the issues can be explored.'⁶⁴

In the incongruous setting of a Palace of Westminster lavatory, two Parliamentary romantics, Enoch Powell and Tony Benn, conducted an audit of the Commons' effectiveness during the Falklands crisis. As they stood side-by-side after the debate on May 20th had been concluded, Benn and Powell engaged in conversation. 'It seems to be,' said Benn, 'that Parliament has absolutely failed to do its proper job.' 'I

agree,' replied Powell, 'The House of Commons over many years has abandoned its function; it has traded power for status.'⁶⁵ There lay the crux of the question. But what distinguished the Falklands and the Suez crisis, apart from the former's successful outcome in military and political terms, was that in 1982 Parliament could do little to influence the course of events. There was no 'rocking of the landing craft' and, by and large, neither the Opposition nor public opinion wished there to be.

The next event to precipitate the deployment of substantial British military force beyond the UK was the Iraqi invasion of Kuwait in August 1990. The U.N.'s reaction was swift and, almost immediately, comprehensive economic and trade sanctions were implemented against the Arab state. America's response was more direct as President Bush announced on August 7th that the United States was to send a couple of large task forces to the Gulf in order to keep up the pressure on the Iraqi leader. Britain soon followed its transatlantic partner by sending troops to the region and involving itself directly in the conflict.

The pattern of events in Parliament was remarkably similar to what had occurred in the past, depressingly so for those who believe that Westminster should play a greater role in determining the policies followed during hostilities. British forces were promised for Gulf duties without any prior consultation, no vote, and MP's were recalled after their summer recess only after those important decisions were taken. Iraq had formally invaded its neighbour on August 2nd and six days later it had annexed the territory. The UK jumped into the breach with the Americans almost a month before the first Westminster debate to be held on the crisis took place on September 6th. In this initial period of stand-off, a time of intensive negotiations to try and head off the eventuality of war, Parliament was to debate the matter at regular intervals. Few MP's were to deny that Saddam Hussein had crossed the boundary of what could be considered to be immensely provocative behaviour and had to be stopped. And it was the same group of MP's, largely on the Left of the Labour Party, which, demanded that not only should Britain refrain from sending its men and women into battle and seek a solution *only* through the U.N., but that there had to be a vote on the matter so that the democratic voice of the nation could be heard. Parliament, after all, has no legal or constitutional right to determine which matters are put before them for the purposes of a vote.

In one such debate, which occurred on December 11th, Tony Benn, rose to tell the House that it 'does not have that right to vote on the matter of war within our constitution, but that does not exclude the possibility of a vote.'⁶⁶ That night a vote was held in the division lobbies on a motion proposed by this group of rebellious Labour MP's which stated that the best hope for a peaceful solution lay in the U.N. and that therefore the House declines to support the threat or use of force by the USA or Britain. A clear demonstration of the mood of MP's who sat in Westminster that night was reflected in the result as the motion was

heavily defeated by 455 votes to 42.⁶⁷ With such an outcome there appeared little chance of a vote in the event of war breaking out.

Nevertheless, as the position shifted to the very brink of war in mid-January 1991 and British forces were being primed for combat, the same group of MP's made one final attempt to try to force a vote. The Plaid Cymru MP, Dafydd Ellis Thomas, told the House that if the American Congress could be allowed a vote on the use of force then surely the British House of Commons should be given the same opportunity.⁶⁸ Labour's Clare Short argued that 'This Parliament will be brought into total disrepute if we do not have a vote on the matter of war in the Gulf ... Under this procedure, power is concentrated in the executive and there is no way in which the executive can be made accountable to our constituents on the question of a war ... This is not the Mother of Parliaments, if that is the way in which we conduct our business. It is just a blanket for the executive to do whatever they wish.'⁶⁹ Tony Benn summed up the feelings of those who felt powerless to prevent the Government from pursuing the course of war. 'The House is a representative body. The nation is very divided on the use of force ... Gallup conducted a poll [on 11th December] ... which showed that only 31% of the nation believed that force should be used. Later that week. *The Daily Telegraph* suggested that less than half the nation favoured the use of force ... I am talking about the effect of war on the British Parliament ... When British forces are sent into action - that is the Royal Prerogative that allows the Government to go to war. That old feudal anachronism is wheeled out to bypass the House ... What the Government have done by denying us a substantive motion is to disenfranchise our own troops so that the members of Parliament who represent them cannot ask the question, and table the amendment, that would allow the interests of our troops to be considered.'⁷⁰

The new Prime Minister, John Major, had to work hard on domestic opinion as it was less squarely behind military force than during the Falklands War. Moreover, just two days earlier, Benn had accused the Government of deliberately tabling an adjournment motion to exclude the possibility of amendments being tabled by those MP's who thought the use of force was unnecessary and that sanctions should be given more time to work. (In other words MP's could not express views other than those laid down by the adjournment motion, so that when it came to vote they would simply be voting to end the debate.) Parallels were once again drawn with the American experience of debating the matter of war as both the Senate and House of Representatives were allowed a vote.⁷¹ But it was to make little difference. No vote on a substantive motion which might have allowed a clear expression of Parliamentary opinion was held and the war was soon over.

It may appear strange that this issue could cause such controversy, after all there was absolutely no chance that MP's

collectively would decide to reject the Government's policy of sending in the troops to enforce a United Nation's Security Council Resolution if only for the reason that the executive had a substantial majority. But, as in so many matters, it was the principle that mattered - that views could be aired and an exact breakdown of opinion divined in Parliament. For its part the Government could legitimately claim that Parliament had approved its handling of the crisis and that it felt fully justified in pursuing its objectives with Parliamentary support. The royal prerogative affords the executive all the powers it requires on such occasions. As Tony Benn observed in a radio interview in 1986, '... you can't question what you don't know and the prerogative is the power that surrounds everything with barbed wire and klieg lights and mines the area. So the Commons, even if it wanted to question, could not know what it wanted to question because of the prerogative.'⁷² How special the vote that Tony Blair allowed the House of Commons in 1998 during the midst of the Second Gulf Crisis appears to be by contrast. Though later the same year the House of Commons was in recess when NATO issued its 'activation order' placing some 500 warplanes under its Supreme Allied Commander Europe to enforce UN Resolution 1199 on Kosovo just hours before President Slobodan Milosevic of Serbia backed down.⁷³

During the summer of 1998 the continuing appetite for British intervention alongside its allies during serious international issues was made plain. There was one, short paragraph in the Blair Government's *Strategic Defence Review* which floated the possibility of the UK choosing 'to take a narrow view of our role and responsibilities which did not require a significant military capability,'⁷⁴ (some £22bn a year's worth as the century turns.⁷⁵) Such a possibility was instantly ruled out by ministers as 'This would mean that we would not wish and would not be able to contribute effectively to resolving crises such as Bosnia, Kosovo, or the invasion of Kuwait. This is indeed a real choice but not one the Government could recommend for Britain.'⁷⁶

Saddam Hussein's periodic exercising of the West's resolve saw yet another breakdown in the fragile co-operation in November 1998. On this occasion the crisis was not deemed serious enough by the Government to warrant a full-scale debate in the House of Commons and the subject was confined to Prime Minister's Questions on November 11th. In response to an inquiry from Melanie Johnson, as to what steps the Government was preparing to take in response to the 'rapidly deteriorating situation in Iraq,' the Prime Minister replied that 'We will act if he does not immediately come back into compliance with the UN resolutions and abide by the agreement that he made.'⁷⁷ He later added, after Tam Dalyell had inquired about the possibility of military action being taken against Iraq, that 'Saddam Hussein made an agreement at the conclusion of the Gulf war and then made a further agreement with the UN Secretary-General. All we are saying is that he should abide by that agreement. That is not an unreasonable position ...

if we allow him to get away with a substantial breach of the agreement and to develop weapons of mass destruction, we will pay a very heavy price in the future.'⁷⁸

Barely one month later, on December 16th, the long-running confrontation between Iraq and the western Allies finally spilt over into war and B-52 bombers, cruise missiles and RAF Tornados flew over Iraq once more. On the steps of Downing Street the Prime Minister announced to the waiting press that minutes before he had authorised the deployment of UK forces, in a joint operation with the United States, against President Saddam Hussein. Prior to that announcement MP's sitting in the House had been informed that should bombing begin there would be an emergency debate in the Commons the following day.

When the promised debate began Tony Blair rose to face his fellow MP's and after setting out his reasons for deciding to proceed with military force, concluded his statement by asking them for their support.⁷⁹ There was no vote allowed as the debate took place on a motion to adjourn the House. Tony Benn along with fellow Labour MP's, including George Galloway and Tam Dalyell, did make an unsuccessful attempt to place a motion that would have allowed members to register their support or disapproval. Benn argued that because there had been no vote on the adjournment of the House, (as the time allowed for the debate had elapsed before the adjournment could be voted upon), that the debate was continuing and therefore he was perfectly entitled to introduce his motion.⁸⁰ Galloway claimed that 'The country is at war, and as a result of a procedural trick, the minority opposition to that war is being cheated of the opportunity to record its vote,'⁸¹ but this was rejected, continuously, by the Deputy Speaker.⁸²

The Prime Minister had presented Parliament with a *fait accompli* as British forces were already in action by the time that the debate occurred and it was highly unlikely that any negative vote would have seen those forces withdrawn from Operation Desert Fox after they had been committed. Effectively, without any kind of registered vote, the outcome of the debate had already been determined before it had begun. Tony Blair was scrupulous enough to ask the House to support his policy but would have known that his fellow MP's were bound to back the current military action. (Both Conservative Leader, William Hague, and Menzies Campbell, the Liberal Democrats' Foreign Affairs Spokesman, pledged their respective parties' full support for deploying British forces.⁸³) Only a group of the aforementioned left-wing Labour MP's registered their grave misgivings but to their great annoyance were only able to do so on the floor of the House rather than in the division lobbies. It would appear that Tony Blair had decided the vote that the Government allowed Parliament on the Iraq crisis back in February 1998 covered future operations should Saddam Hussain be deemed to have breached UN Security Council resolutions - a position unacceptable to his critics in the House of Commons. Tam Dalyell and

Tony Benn took to drafting legislation designed to curb the Government's prerogative-based power to undertake military operations without the specific prior assent of the House of Commons.

As RAF Tornados continued to attack command and control installations in the southern no-fly zone of Iraq,⁸⁴ Tam Dalyell introduced his Military Action against Iraq (Parliamentary Approval) Bill in the House of Commons under the Ten Minute Rule on 26 January 1999.⁸⁵ The following month, as part of his Crown Prerogatives (Parliamentary Control) Bill designed to modernise the premiership and curb the Prime Minister's powers generally,⁸⁶ Tony Benn included a clause prohibiting the exercise of prerogative powers 'to declare war or commit United Kingdom forces to armed conflict save in self-defence' without the prior assent of the House of Commons.⁸⁷

Neither of the Dalyell and Benn bills had the slightest chance of becoming law. As Mr. Dalyell put it: 'This is kite flying, but what else can a man do?'⁸⁸ The answer, as the years since 1945 have shown, is very little unless the government-of-the-day wishes Parliament to have a genuine say.

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- 2 *The Strategic Defence Review*, CM 3999, (HMSO, 1998), p. 2.
- 3 Sidney Low, *The Governance of England*, (Fisher Unwin, 1904), pp.80-1.
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- 14 In particular see Public Record Office, CAB 129/42, 'Legal implications of the Korean Conflict,' CP (50) 207, for the actual letters detailing these arguments.
- 15 PRO, PREM 8/1562, ' International status of Korean conflict: legal status of armed conflicts in which armed forces are involved.' July 1951, p. 1.
- 16 Ibid., p. 3.
- 17 House of Commons, *Official Report*, V Series, Vol 557, Session 23rd July - 2nd August 1956, (HMSO, 1956), pp. 1601-2.
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- ⁷⁶ Ibid., p. 16.
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- ⁸⁰ Ibid., p. 1189.
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- ⁸⁵ House of Commons, *Official Report*, 26 January 1999, Cols. 145-47.
- ⁸⁶ Conversation with Tony Benn, 28 February 1999.
- ⁸⁷ Mr. Benn kindly provided the authors with a copy of his bill.
- ⁸⁸ Conversation with Tam Dalyell, 28 February 1999.