

## Public Administration and Constitutional Affairs Committee

### Oral evidence: The Role of Parliament in the UK Constitution: Authorising the Use of Military Force given on Tuesday 26 March 2019

Extract of Questions asked by:

Kelvin Hopkins (Independent MP) Q.157

Ronnie Cowan (SNP MP) Q.158-160

Sir Bernard Jenkin (Chair, Conservative MP) Q.161

### Witnesses

General Sir Richard Barrons, former Commander Joint Forces Command

Air Chief Marshal Sir Glenn Torpy, Chief of the Air Staff from 2006 to 2009

Admiral The Rt Hon. The Lord West of Spithead, First Sea Lord and Chief of the Naval Staff from 2002 to 2006.

#### Q157 **Kelvin Hopkins:**

To what extent might parliamentary debate about whether or not to engage in military action affect operational success?

**Lord West of Spithead:** I think the Air Marshal has talked on a couple of options there and there are occasions where we might have to take very immediate action. One can think of scenarios where suddenly there may be some terrorist group within a country who get control of nuclear weapons and we have good intelligence that these are going to be utilised in a certain way where we have op plans for things we can do and you need to act pretty well immediately. You do not want to discuss that in Parliament. You have to take action and these are ones normally, going back to what the General said, where you are using a limited amount of



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your capability. If you are trying to generate huge force for an old-fashioned type war then obviously, as the General says, you need to have these sorts of debates because doing that takes time.

I go back to the Iraq thing, where I was very glad when I was Commander-in-Chief and not in the MoD I told the Navy and Marines to be ready for war because I did not then have the problem through the autumn that the Army in particular had—and the Air Force, to a limited extent—because there was this swirling around up here of, “No, we are not. Yes, we are. No, we are not” and they could not take any action. That was difficult for people.

**General Sir Richard Barrons:** Where I think there is uncertainty or vacillation in Parliament or there is a sense that the Government of the day is trying to manoeuvre difficult political opinion over time there are risks to the outcome. One would be on constraints on preparations. In the case of 2003, where I was a Divisional Chief of Staff at the time we knew that we were going to commit a brigade as the follow-on force. We absolutely could not prepare it or order the stuff that it needed because it was engaged on the firemen’s industrial dispute and that was seen as the domestic priority. Its preparations were curtailed by that domestic situation.

Parliamentary uncertainty could jeopardise success by undermining the time for preparation, or worse, by constraining the nature of the operational plan by putting bounds on something that essentially puts one hand behind the military commander’s back, so that when he is committed to operations he is not in the best place to win.

**Air Chief Marshal Sir Glenn Torpy:** You are effectively losing control of the narrative when you start having a debate in Parliament. I say that in the context of one end of the spectrum would be you have a very solid parliamentary view that it is absolutely the right thing to do. That sends a very powerful message to your potential adversary. At the other extreme you could have, as we did in 2003, a lively debate and different views. That sends a view to your potential adversary, which is not something you would like them to see.

Syria was another interesting one, when you could say that our decision not to take action emboldened the Assad regime. I think there is an important broader question about how you control the narrative and to exploit that to maximum effect so that you can deliver success.

**Lord West of Spithead:** I touched on the fact that I think Parliament debating and talking about these issues in a general sense was very important. There is one area that I do think we should have taken some action and that is the whole area of flexible sub-strategic response. This was when we changed in 2000 that we would never use a nuclear weapon to manipulate and we would only ever use them as a deterrent if someone attacked us. We changed that in 2000 and I understand all the reasons why that was done. However, what that has done, I believe, is



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put the submarine CO in a very difficult position because he will not know what the targeting is that is being used and there needs to be complete clarity that the submarine CO is not going to be held responsible for taking illegal action in international law by targeting where the target has been set by politicians and planners in London. They have to have the sole responsibility for that and I do not believe that is the case and that is not satisfactory.

Q158 **Ronnie Cowan:** I am so glad you raised that point. Could you just clarify that last bit to me? The CO is on the ship.

**Lord West of Spithead:** For example, wiping out a whole city is very understandably completely illegal under international law and normally there are certain bases to do these things. Because of this flexible sub-strategic response, what that in theory allows is use of a nuclear weapon. Rather than your total response to us being wiped out, a single nuclear weapon for a specific reason. Where that is targeted the submarine CO will not know, because none of our warheads at the moment are targeted. They are untargeted.

What happens is when the codes come through, if it is a flexible response, he will have a single missile and one warhead that will be targeted somewhere. He will not know what it is and yet in international law as the man who says "go" he will be responsible for this. Do you see what I am getting at? That needs to be clarified, I believe, and it needs to be removed from him. I think that is important.

Q159 **Ronnie Cowan:** We have received substantial written evidence on this very topic and it would have been good to take this conversation further.

**Air Chief Marshal Sir Glenn Torpy:** To be absolutely clear, with the targeting we have a very mature process for targeting all of our weapons and it is completely under political control.

**Lord West of Spithead:** Absolutely, but they need to be the ones. It is going to be a politician in the dock, not the submarine CO, that is what I am saying.

Q160 **Ronnie Cowan:** It does raise the legality of the person who turns the switch to launch that missile if he does not know where it is targeted.

**Lord West of Spithead:** Absolutely, which is why I believe this needs to be clarified. It does not need to be clarified for the normal deterrence criteria. That is different and that has been done effectively.

Q161 **Chair:** But that is impossible to clarify for the inventory officer in the heat of battle or the helicopter commander, wondering whether to—

**Lord West of Spithead:** Absolutely. This is a one-off situation, I believe.