



A Role for Parliament: Political Appointments to Ambassadorships

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Parliamentary Oversight Project,
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Executive Summary

The UK has a long tradition of impartiality in its foreign and home civil service. However, the appointment of two ex-ministers as Ambassadors after the 2005 general election suggests that there may be a trend for political appointments developing; this has the potential to undermine the perception of this neutrality and legitimacy of the diplomatic corps. While these appointees may be very well qualified and will do an excellent job, it is essential that there is no potential for the appointments to undermine the diplomatic corps independence. There must be checks and balances for such appointments that will confer legitimacy and ensure independence. The Foreign Affairs Select Committee should, therefore, hold hearings after the appointment of anyone to an ambassadorial position who is appointed through a non-traditional route.

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Improving communications mean that it is ever easier for capitals to be in contact; nonetheless the diplomatic corps, with Ambassadors at the top, remain an important part of foreign policy development and progression and an essential part of bilateral and multilateral relations. Recent political appointments may affect the perceived neutrality and legitimacy of the diplomatic corps reducing its effectiveness in these important roles

The appointment of David Ormsby-Gore by Macmillan as British Ambassador to the United States is an early example of a political appointment to an important diplomatic position – Ormsby-Gore had previously been a Minister for State in the Foreign Office. Nonetheless his tenure is widely regarded as a success, as a childhood friend of John F. Kennedy he was a permanent fixture in the Whitehouse. Furthermore, he remained in Washington after Kennedy's assassination, and even following the election of a Labour Government in the 1964 General Election. The appointment of Peter Jay – the journalist and son-in-law of the then Prime Minister, James Callaghan, to the same post created controversy in 1977.

Similarly, the appointment of former Conservative MP, Sir Alistair Goodlad, by the current Labour Government as High Commissioner to Australia in 2000 is also generally thought to have been a success.¹ It is clear that appointments from non-traditional backgrounds are not, per se, to be criticised and can be very successful, nonetheless such appointments raise questions of accountability and political legitimacy.

The Recent appointments of Helen Liddell as High Commissioner to Australia and Paul Boateng to South Africa, both former Labour MPs, have reignited the debate on such political appointments, creating the perception that traditionally neutral appointments are being politicised and the diplomatic corps is being overlooked for prestigious postings.

The appointment of Lord Levy as Tony Blair's roving envoy on the Middle East has been a particular source of controversy because of his personal friendship with the Prime Minister, his role as a high-level fundraiser for the Labour Party and the unofficial, ill-defined, open-ended and unaccountable nature of his duties. Operating outside the remit of the Foreign and Commonwealth Office, there is no formal process for Lord Levy to directly account for his actions as envoy to Parliament.

The need for legitimacy

With regulation of the Home and Diplomatic Service carried out under the Royal Prerogative there is no requirement that Parliament be consulted on such matters even when there is a diversion from the normal practice. However, the ease with which the Government is able to make these political appointments without reference to Parliament should give pause for thought.

Appointments made from the professional diplomatic corps gain their legitimacy through the institutional independence of their position and the Northcote-Trevelyan principles of appointment on merit. Although political appointees may be highly qualified the lack of a formal competitive process for appointment means that the legitimacy that derives from such an appointment process is not present, it needs to be gained from an alternative process.

A US Comparison

In the US, where ambassadorial appointments are political by their very nature, the necessary institutional structures are in place to check this exercise of the executive prerogative. The US Senate has a veto over all appointments at the level of Ambassador

¹ Wright, Patrick "Hands off the foreign service", The Guardian, 17th June 2005.

under the right to appointments of the President being “by and with the Advice and Consent of the Senate”² with a procedure that includes hearings and a vote of the Senate Foreign Relations Committee, prior to a vote of the full Senate there is plenty of opportunity for discussion of the suitability of the nominee for the proposed position. This process also allows the Senate to influence policy, either by rejecting nominees, or by getting promises from the nominee prior to approval.³

The power and limitations of this procedure was recently seen with the controversial nomination of John Bolton as US Ambassador to the UN. Although eventually limited (as the procedure was circumvented by a recess appointment, following a number of delays), the scrutiny exercised by the Senate prompted a broader public debate about the appointment with editorials in many major newspapers either for or against his nomination – one that would not have occurred without the hearings of the committee.

The US example is far from perfect and can easily lead to highly politicised hearings that many put off a number of very well qualified candidates. The link between donations to political parties and appointment as an ambassador to some of the nicer world capitals is also widely recognised.⁴ However, such a result happens in the context of a highly partisan political culture, with a long tradition of political appointments, and high levels of political giving. The discussion that the process can prompt shows how such an oversight process by a legislature can be constructive both in focussing attention on foreign policy and conferring legitimacy on political appointees.

A role for the Foreign Affairs Committee?

Although the House of Commons has no equivalent to the right to advise and consent of the US Senate, the Foreign Affairs Select Committee indicated in 2002 that it would consider any future appointments to diplomatic posts.⁵ However, so far there has been no such scrutiny despite the appointment of both Liddell and Boateng and the suggestion of the committee in its annual report on 2004 that its successor committee after the General Election should chose to consider these appointments.⁶

It is normally diplomats and officials who carry out international negotiations and maintain and develop the relationships between countries. There is therefore a strong case for the House of Commons Foreign Affairs Committee to exercise its stated intention and scrutinise political, rather than professional, appointments to senior diplomatic posts. Although it does not have the power to prevent such appointments, the act of asking relevant questions at a relevant time would ensure that there was opportunity to consider the propriety of the appointment and the opportunity for Parliament to express its perspective through the relevant committee. It would be harder for a government to proceed with an appointment over which the Committee had raised serious concerns. Moreover the prospect of public

² Article II, Section 2, US Constitution.

³ Rybicki, Elizabeth, “Senate Consideration of Presidential Nominations: Committee and Floor Procedure”, Congressional Research Service, RL31980, 2005.

⁴ Wolffe, Richard and Holly Bailey, “The Price of an Ambassadorship”, Newsweek, 27 July 2005 [online].

⁵ Foreign Affairs Committee, Foreign and Commonwealth Office Annual Report 2002, 12th Report of Session 2001-2002, HC 826, 2002.

⁶ Foreign Affairs Committee, The Work of the Committee in 2004, 1st Report of Session 2004-2005, HC 112, 2005.

scrutiny of this sort would act as a deterrent against the proposal of unsuitable candidates.

In cases where the proposed appointee is a suitable choice for the role they will gain legitimacy for any hearing before the Foreign Affairs Committee, with such a process protecting the appointee against any accusations of cronyism.

Recommendations

Scrutinise political appointments: To ensure accountability of various aspects of foreign policy the Foreign Affairs Committee should use the right that they have claimed for themselves and hold hearings on all appointments made from outside the diplomatic corps. Such appointments, which do not necessarily have to be parliamentarians, can be of great benefit and such an expansion of the pool of candidates is to be welcomed. However, any exceptional appointments should be scrutinised by the relevant committee.

Similarly, when a person is appointed in addition to the normal foreign office functions, for example Lord Levy, such appointments should come before the committee for consideration of the terms of reference of appointment, as well as the propriety.

If the government chooses to proceed with the Civil Service Bill – which presently exists only in draft form – it should consider including stipulations about the approval of external ambassadorial appointments within it.

Reform the Royal Prerogative: Appointments to diplomatic posts are only one power under the Royal Prerogative that stymies effective oversight of foreign policy by Parliament. In such areas as treaty making and the engagement in military conflict the powers under the Royal Prerogative limit the proper function of Parliament. It is only through a comprehensive reformation that this limit can be removed.⁷ If the government chooses to proceed with the Civil Service Bill – which presently exists only in draft form – it should consider including stipulations about the approval of external ambassadorial appointments within it.

The research for this briefing was carried out as part of the “Parliamentary Oversight Project” – a joint collaboration with [Democratic Audit](#) and the [Federal Trust](#). This project looks at the processes and procedures for parliamentary oversight of international affairs – broadly defined to include international development, bilateral relations, the European Union and international organisations. The results of this study, as well as recommendations for comprehensive reform, were published as [Not in Our Name: Democracy and Foreign Policy in the UK](#) by Politico’s in January 2006.

More information about the Parliamentary Oversight Project, and the recommendations, can be found at: www.oneworldtrust.org/pop.

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⁷ Burall, Simon, Brendan Donnelly and Stuart Weir (eds), *Not in Our Name: Democracy and Foreign Policy in the UK*, London: Politico’s, 2006.