



Select Committee on the Constitution

Corrected oral evidence: Parliamentary scrutiny of treaties

Wednesday 9 January 2019

10.45 am

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Members present: Baroness Taylor of Bolton (The Chairman); Lord Beith; Baroness Corston; Baroness Drake; Lord Hunt of Wirral; Lord Judge; Lord MacGregor of Pulham Market; Lord Norton of Louth; Lord Pannick.

Evidence Session No. 8

Heard in Public

Questions 69 - 78

Witness

I: Rt Hon Jack Straw, former Foreign Secretary.

Examination of witness

Rt Hon Jack Straw.

Q69 **The Chairman:** Thank you very much for coming, Mr Straw. You know procedures here as well as most people round this table and you know that we are looking at the parliamentary scrutiny of treaties, which is a bit topical, but that is not why we are doing it. We are doing it because it needs doing anyway.

You have had experience as a Back-Bencher and a Front-Bencher in the Commons for a very long time, but particularly as Foreign Secretary and in terms of the CRaG legislation. I wondered if you could start by giving an overview of where we are, how effective that legislation was and whether it fulfilled what you expected.

Jack Straw: Thanks to you and all your colleagues. Are you Madam Chairman?

The Chairman: I am whatever, Jack.

Jack Straw: What do I call her? What do you call her?

Lord Norton of Louth: It is Lord Chairman.

Jack Straw: Lord Chairman, thanks very much for the opportunity to talk about this. First, on the provenance of this provision in the CRaG Bill, it was entirely because I had a bee in my bonnet about the Ponsonby rule. I do not think I had received any representation at all on this. As you will remember, I am something of a nerd. I had taken an interest in the history of that first Labour Government in 1924, and in the origins of the Ponsonby rule and what the devil had happened to it.

During all the time that we were in opposition, as well as in government, it struck me that it was not effective at all, so I thought that we ought to put it into legislation. It was one of those things: when I proposed it, no one could really think of a good argument against it, so it went in.

There was then an issue about whether there should be an affirmative resolution procedure rather than a negative resolution procedure. From my recollection, although this may be wrong now because this is going back 10 years, I proposed, as you will recall, Lord Chairman, because you once headed up the office of darkness, the Whips' Office, that the last thing the Whips wanted was any more provision for affirmative resolutions, and I lost that one. I cannot really remember at this stage how far my proposition on that got. Anyway, I lost it, but I was pleased that it had got into the Act.

As to whether it has been effective, it is better than there not being provision. I would say two things. I read through the evidence, particularly of Professor David Howarth and his colleagues, and there is certainly a case for there to be a scrutiny committee, which I suggest would be a Joint Committee of the Commons and the Lords, properly

staffed to go through the treaties as they come through and to determine whether there ought to be debate on the Floor of each House.

There would then be an issue about whether the committee should have a power to delay ratification. In my view, it would have to, because otherwise the Government could ignore what it was deciding. There would have to be debate about whether the committee should have a power to require there to be a vote.

As you know, Lord Chairman, not every legislative decision has to go on to the Floor these days. Again, I am speaking from memory, but one thing I was also keen on, when I was Lord Chancellor and before, was trying to improve the processing of Law Commission recommendations. That has got better and there is a special procedure there. There could be some high-profile treaties that require a vote on the Floor and it would be for the Whips to find the time.

This is a very exceptional period in terms of parliamentary time but, for all the complaints you will get from the Whips' Offices that there is no time, the truth is that an awful lot of business, certainly in the Commons—I speak less for this end—is not that important. Also, the hours have been truncated, so there is no particular reason why the system that used to obtain until the Robin Cook reforms in 2000, whereby affirmative resolutions were taken after the moment of interruption, could not come back. I would be resistant to claims from the Whips' Office that they will never find time.

The other preliminary point I would make, if I may suggest this to the Committee—you probably already have it in hand, but it is important—is that good data should be provided about the number of treaties coming before the House and their content. Professor Howarth in particular and his colleagues claimed both that the number of treaties had increased and that the nature of the subjects had changed so that they are now much more important. I do not know whether that is correct.

I have gone through the Foreign Office treaty action bulletins, which it publishes each month, and I went through a dip sample of those for 2018. I have to say that in monthly bulletins I have looked at they are pretty prosaic treaties. The highlight of the one for July was the extradition treaty and the accompanying treaty on mutual legal assistance with Kuwait. These are important matters, but they are not likely to stir up controversy. People just think they are a good idea and they should be approved.

The Chairman: As you say, there are a whole host of treaties of varying degrees of importance and public interest. When you were developing the CRaG legislation, was there much interest from other colleagues about their role? Some of these are departmental issues rather than Foreign Office issues, even though they are treaties.

Jack Straw: As I recall, there was absolutely none; nor was there a huge amount of excitement in the Foreign Office about this. They just thought

this was Straw on a hobby horse about parliamentary scrutiny. They did not argue with me, because they were not in a position to argue. This is one of these things. Once you put forward the proposition that the Ponsonby rule should be put on to a statutory basis and Parliament should have a role in ratifications, which is very different from this question of negotiation or signature, what arguments can you advance on the substance, if you see what I mean?

Among the officials in the Foreign Office who deal day to day with treaties, there was a certain amount of bemusement about what mischief I was trying to deal with. There had not been any scandal or anything like that, but I just thought it was wrong for this procedure not to be on the statute book.

Q70 Lord Judge: Can we assume, when I ask this question, that the whole process from Joint Committee right through to possibly eventually a vote is part of the process of scrutiny? Is the process to take place when a treaty is proposed or after a treaty has been signed up to by Her Majesty's Government?

Jack Straw: It is after it has been signed up to.

Lord Judge: Does that mean that if Parliament takes the view that this is unsatisfactory, it may vote it down? Do we then go back and say to the other country, "We are no longer bound by it"?

Jack Straw: I think so, yes. Thinking about the practicalities of whether Parliament could have real-time involvement in the negotiation of treaties, for any really significant treaty or convention there is, and is bound to be, a great deal of public and parliamentary debate anyway in advance, for example on climate change. There are plenty of other examples. On mutual legal assistance, when we got the idea going, there was interest. Sometimes there are debates in the Commons over the broad parameters of the treaty negotiations. Again, take the obvious example of climate change.

If you are negotiating a treaty, whether it is a multilateral one or a bilateral one, you are in a room and the negotiations will have taken place over many months, but then there is a final, dramatic act of the negotiation. You have your negotiating mandate from your colleagues in government, but there will be times when you go out of the room and get on the telephone to say, "I have to have some wriggle room on this", and so on. The most obvious example is the treaty on the constitution of the EU, where all sorts of horse trading necessarily went on, in the room or outside the room. You could not possibly have Parliament in continuous session to handle that. It would make life impossible.

Lord Judge: Forgive me, but ought the negotiator, the Government, to know what Parliament thinks before going into the negotiations, or do the Executive simply wait, negotiate as they think the treaty should be formulated and then come back to say to Parliament, "This is what we have done"?

Jack Straw: It depends on the subject. If it is a high-profile issue, such as climate change, Ministers will know what Parliament thinks, in any event. In all the discussions internally, if it is that high profile, there will be debate about what is acceptable and what is not acceptable to ministerial colleagues and to Parliament.

What I found unsatisfactory about the evidence that Professor Howarth and colleagues gave was that they were talking in generalisations without saying, "Let us look at the last 10 years of treaties. Go through the list. On which of these should there have been greater pre-signature scrutiny?" I do not have that list in front of me, but I have looked at the last 12 months and none of these are particularly earth-shattering. A lot of them are boilerplate. We all know what is in an extradition treaty and a treaty on mutual legal assistance in criminal matters. What would be the point of additional parliamentary scrutiny?

In our system there is a distinction between the Executive and the legislature. In negotiating a treaty, particularly if this Committee recommends improved scrutiny at the point of ratification and that is accepted, it will be in the minds of negotiators around the table in negotiations that, if they concede X, Parliament may well decide not to ratify.

Lord Judge: Would the same knowledge not be in the minds of the people who are on the other side of the negotiating table? They would know that this handshaking is all very well, but it is ultimately subject to parliamentary scrutiny and control. Why should they commit themselves in those circumstances?

Jack Straw: Most systems of which I am aware have some process for agreement by the Parliament or legislative body at the point of ratification. I know that in international law it is a sovereign act by the Executive, and I can recall plenty of occasions in EU and other negotiations on which somebody on the other side of the table has said to me, "I would like to agree to that, but I have to get this through my Parliament". That is in the nature of democracy.

I wonder if I can add another, not quite parenthetical, thing that struck me very forcibly as I was preparing for this, which is about the position of United Nations Security Council resolutions. UN Security Council resolutions are made under a treaty and they have the effect of treaties, often going further than that. They can be mandatory on all Governments, for example on sanctions, all the post-9/11 decisions made by the Security Council on terrorism and plenty elsewhere. For those, there is no process for signature or ratification. Once they have been determined in the Security Council, that is that. We are one of only five member states that can say no at the point of decision. Everybody else just has to put up with it.

I am not proposing that there could be a post-Security Council process of ratification before we decided whether we liked something. There is not even in the US, even though it has a monist rather than a dualist

approach to treaty law. But it is worth drawing attention to the fact that not all provisions that become international law go through the treaty process.

Q71 Lord Beith: I am going to park that interesting issue and return to the nature of treaties.

You have recognised in what you have said that some treaties are inherently not very controversial, such as bilateral treaties relating to various kinds of mutual recognition and co-operation, and traditional treaties where you resolve not to go to war with each other and to co-operate on things such as post and telephones.

Others, and you mentioned climate change, are of much wider significance and potential controversy. It is not just that they are potentially controversial. They dig deeper into the lives of citizens generally and are therefore the stuff of politics. You would recognise that, would you not?

Jack Straw: Yes, of course.

Lord Beith: Take product standards and climate change. There is quite a range of these things. Is it not the case that the politics of reaching some of these treaties, and climate change is a very good example, has now moved to the treaty-making process? The NGOs and pressure groups involved have focused their attention a great deal on the treaty-making process, in the hope that the process will lead to the Government agreeing to something that they probably would not agree in domestic legislation, which will then become policy in the UK. It may need subsequent legislation, but they will lock in policies that are rather difficult to get Governments to accept domestically.

Jack Straw: Did you have any example in mind?

Lord Beith: On climate change, you might easily find examples of things that the Government might have found it very difficult to accept; for example, if you had merely proposed to the Government that we should place a particular restriction on a fertiliser or a form of energy generation. But having it in a treaty so the Government say, "I am sorry, we have to do this because we are obliged to do so", much as they have done with European legislation over the years, has moved the politics away from Westminster to the international negotiating process. All these conferences have all the pressure groups gathered round. You have experienced that.

Jack Straw: You make a very good point. We have been in the vanguard on climate change and that has been approved by Parliament, in debates and in legislation. This is an extraordinarily complicated multilateral negotiation. I had no direct involvement in this at all. I have now forgotten what the venue was, but at the first major negotiating conference on climate change—it was Kyoto, thank you—there was deadlock and Lord Prescott was involved in resolving it.

He did so by very skilful negotiation with a very large number other delegates to get a deal. I dare say that he had to make some concessions on behalf of the British Government to get others to agree, because that is in the nature of these things. There is horse trading going on. He had to take a chance that he was going to get this through colleagues and Parliament at the end of it, because, even under the old Ponsonby rule, if he had agreed to something that was plainly unacceptable, he could have been turned over here and ratification could have been refused.

I do not think there could be any role for Parliament in that end game. I share your concern about the disproportionate power, as well as influence, that a lot of NGOs have nationally, within the EU and internationally. NGOs are on the whole worthy bodies, but they are inherently undemocratic. They are voluntary bodies of enthusiasts, but sometimes backed by special interests.

If you take climate change, there is a very clear argument for Parliament to be involved in advance in the negotiating mandate and Parliament was. In the end, a conclusion of these negotiations could be that the Government sign up to something that pushes the envelope a bit, for example the banning of fertiliser, where they would not have got it through if it was a simple standalone proposal. Then it is for Parliament to decide, looking at the outcome of the treaty negotiations in the round, whether this is worth it.

Lord Beith: Then Parliament is in the weak position of having to use, or threaten to use, its nuclear weapon to achieve modification of what is coming forward.

I want to follow that up by asking you this: are we behind other Parliaments, including the European Parliament, in not recognising that some sort of continuous process ought to be engaged in, allowing Parliament at least to have input at the time when, as you say, all the NGOs have input because they are standing outside the conference talking to everybody all the time? Ought there to be some continuous process, such as the European Parliament engages in on trade treaties?

Jack Straw: I do not believe there is a parallel between a Parliament of a unitary state, which is what we still are, and a supranational Parliament, which is what the European Parliament is. It has scrutiny, for sure, as negotiations are taking place, but the European Parliament par excellence is a Parliament that lacks real democratic accountability, because it is so distant and there is no European polity, and is more susceptible to pressure from pressure groups and NGOs than any domestic Parliament that I can think of. You are being led down a rabbit hole if you think there is much to learn from the practice of the European Parliament. It is a very different institution for very different purposes.

I gather from reading prior evidence that the Australians have a treaty scrutiny committee, and I would be much more interested in how exactly that works than the European Parliament. I was and am in favour of us remaining in the EU, but I am not a fan of the European Parliament, not

least because it is so unaccountable and so subject to unaccountable pressure from NGOs.

Q72 Lord MacGregor of Pulham Market: To some extent, you have already touched on the issues I want to raise with you, but can I ask you more specifically whether the influence and involvement of No. 10 and other government departments in the making of foreign policy has changed how the Government negotiate treaties?

Jack Straw: I do not think so. How far No. 10 is involved in foreign policy depends on the issue. The closer you get to foreign policy being about whether we take military action, the more No. 10 is going to be involved, necessarily and rightly.

It has been claimed that, since Margaret Thatcher and through Tony Blair, No. 10 was determining policy and overriding the Foreign Office. I did not have any direct experience of the Thatcher Administration, but from my experience of the Blair Administration that was a vast oversimplification. The Prime Minister of the day has many other things on his or her plate. When it came to, say, military action post 9/11, Afghanistan and Iraq, it was not No. 10, because it had about three people doing foreign policy, David Manning and two others, but the Prime Minister was in the driving seat of that. It was absolutely right that he should be, because he was in the seat of commander-in-chief of our Armed Forces.

On other issues, contrary to the myth, I was frankly left to get on with things. That included the negotiations with Iran, which were potentially about war and peace, where the Prime Minister had confidence in what I was doing and left it to me. There were loads and loads of other things, including detailed negotiations inside the EU on the EU constitution and then the Lisbon treaty. Within a broad perimeter, I as Foreign Secretary and my Ministers and officials were left to deal with it.

There is a lot of myth about this. It is worth bearing in mind that the Foreign Office is a lot more autonomous than it was under Lord Salisbury, who combined the role of Prime Minister with that of Foreign Secretary, and preferred the rooms in the Foreign Office to those in Downing Street, for reasons that I fully understand, and so ran the Government from there.

Lord MacGregor of Pulham Market: I will come back to a point we have briefly discussed, but I want to be more specific. While the UK has been a member of the EU, it has benefited from the scrutiny of proposed new international agreements carried out by the European Parliament. Does the loss of those scrutiny processes post Brexit require Parliament to create new scrutiny mechanisms of its own?

In particular, I refer to the document the Foreign Office has submitted to us on this point, which concludes that the Government stand ready to "engage in discussions and consider arrangements to strengthen parliamentary scrutiny of treaties within the framework of CRAG, should

there be the requisite appetite and capacity in each House". I would like to ask you about the requisite appetite and capacity.

Jack Straw: My view is that, post Brexit, there is likely to be an increase in the number of treaties that will be negotiated by the United Kingdom, most obviously trade treaties, were we not to be in a customs union of any kind, and over time other matters. Because there is a long transitional period, it will take time before this is noticed.

As I have already made clear, there is a very strong case in any event for improving scrutiny, so the process that supports the provisions in the CRaG Act, by having for example a Joint Committee of both Houses. Whether there is an appetite for that, I am not certain. If this Committee is minded to recommend a change such as this, it is up to Members here to develop the appetite of others. Once colleagues at both ends start to think about the issue, on the whole they will say, "Yes, this is a good idea".

Q73 **Baroness Corston:** Mr Straw, as I understand it, you feel that Parliament should play a more active role in the mandating phases of the treaty process. Should that also apply to the negotiating phases, as happens for example in the Joint Standing Committee on Treaties in the Parliament of Australia, to which you just made reference, which seems to work very well and involves civil society as well as Parliament?

Jack Straw: It could do. As I have been suggesting, not least in my answers to Lord Judge, there is a point in the negotiation at which you cannot keep going back to Parliament, but it makes a lot of sense for there to be a better level of explanation to and affirmation by Parliament of the negotiating mandate. That provides some security for the negotiators. That is a good idea. I have not looked—no doubt you all have—at the exact way the Australian process works, but we are a parallel common law parliamentary country, so I would take a lot of notice of their practice and see whether we could not, with a few changes, adopt it here. It would be a good idea.

Baroness Corston: Is there any stage in the treaty process at which you think that input from Parliament would strengthen the Government's hand?

Jack Straw: At the beginning, yes, as we have discussed. By the way, although there is no formal process at the moment, to revert to what I have been saying, any sane Minister and set of officials negotiating a treaty will be, and will have to be, alive to whether they can get this past their colleagues. No one is going to sign up to something that would be terminal of their own career, for example. They might do, but you are always so alive to this.

There is a point at which Parliament has to recognise that its role is distinct from that of the Executive and the Executive has to be left to get on with the detailed process of negotiation, in the knowledge that, while

it can sign the instrument, it cannot ratify it without Parliament's approval.

Baroness Corston: Do you think that Parliament should have any role in the concluding observations of the United Nations when it examines us under United Nations treaties? There was one recently on economic, social and cultural rights. Parliament had no role in examining the concluding observations. Should there be a better role?

Jack Straw: I am afraid I will have to duck that one, because I am not familiar with that process. I am happy to become familiar with it, but I would be making observations on the basis of a lack of information.

Q74 **Baroness Drake:** Staying on this issue of the balance between the prerogative of the Executive and the involvement of Parliament in the mandating and negotiating phase, to what extent would a parliamentary committee on treaties be a useful forum for scrutinising the Government's treaty actions? If in your view it would, what powers and functions should it have?

Jack Straw: As I have already said, it would be a good idea. It should certainly have the function of looking at all treaties that have been signed, considering whether they should be ratified and acting as a sifter and filter, to determine which of them should be subject to debate and vote. That is really important. As to whether it should have a prior role, I have already indicated that there is a case for that based on the Australian model.

Q75 **Lord Hunt of Wirral:** May I first apologise? I had to be in another meeting. I would love to return to previous evidence you gave to this Committee on the emergence of Article 50, because you were there.

Jack Straw: I was.

Lord Hunt of Wirral: Would it have been a good idea for you, in the position you held at that time, to have thought about referring the issue back to Parliament for a view on whether there should be a right to withdraw?

Jack Straw: My view was that it was eccentric that the EU treaties had no provision for a country to withdraw from them. This was a murky area where, if a country decided to withdraw from an EU treaty, it would have to fall back on the general law of treaties, and there is a lot of uncertainty about how exactly a denunciation would operate. I thought it was a good idea to have that in what became the Lisbon treaty. I cannot remember exactly where the idea came from. I think it was out of discussions within the European convention on the constitution, which was set up at the Laeken summit in December 2001.

It had, as I recall, been the subject of discussions, certainly between the two UK government reps on that committee, Lord Hain and Gisela Stuart. Then, famously, the wording of it was developed by Lord Kerr. It could have come back to Parliament, but from my recollection I referred to this,

as did others, when we were reporting on the contents of the constitution, and everybody thought it was a good idea, whether you were in favour of remaining in the EU or wanting to leave. What was there to argue about, if you see what I mean?

- Q76 **Lord Norton of Louth:** From a somewhat different perspective, should devolved Governments and Parliaments have a role to play in treaty negotiations, especially post Brexit?

Jack Straw: If it touches on the powers of a devolved Administration, in setting the mandate they most certainly should. As an Executive point, they are, but let us say that post Brexit we are determining our own agricultural policy. This touches directly on the powers of the three devolved Administrations. It would certainly be preposterous and probably unlawful if the UK Government, who are necessarily the negotiators in the room, were not to consult those Executives in advance. It would be for the Executives, the Scottish, Welsh and Northern Ireland Governments, to determine how far they involved their own legislative bodies.

Lord Norton of Louth: Yes, because you are saying that they should be consulted, but, in the negotiations, do you think representatives from the devolved Governments should form part of the negotiating team?

Jack Straw: Yes, they should. In practice, when I was Lord Chancellor, there were certainly justice and home affairs negotiations within the EU where the Justice Minister from Scotland sat alongside me. I thought that was entirely right and for the most obvious reasons. Scotland has a different legal system. It is slightly different on those issues, whereas Wales is directly part of the same system as we are and Northern Ireland has a common law system with very little difference in its overall conception. Yes, is the answer.

- Q77 **Lord Pannick:** We have heard evidence that there should be more transparency in treaty negotiation. Plainly, these negotiations involve a tension between effective diplomacy and democratic accountability, so the question is how much transparency is too much. Is there a principle that you can articulate for us?

Jack Straw: The principle is that all treaties on signature become public. That used not to be the case, as you know. Prior to the First World War, there were plenty of secret treaties, because that was in the nature of government in those days. Quite often, there would be a public treaty between two sovereign states and some secret parts of it. That no longer happens, as far as I am aware.

However, there is then the issue of how far you negotiate in a goldfish bowl. I read through the evidence of Professor Howarth and his colleagues. There was a degree of naivety there about what was called transparency. Everybody is in favour of transparency. It is motherhood and apple pie. You cannot not be, but a lot of negotiations have to take place in confidence. You are literally trying to build up confidence with the

party on the other side, and if what you are doing is going to be leaked, life becomes impossible.

I will give you a specific example. From 2001 onwards, Lord Hain and I were involved in very detailed negotiations with the Government of Spain about the provisions in the 1713 treaty of Utrecht over Gibraltar. We wanted to settle this difficult trilateral issue between the Government of Gibraltar, the Government of Spain and us about a way forward. These were really complicated negotiations that in the end died a death.

Lord Hain and I built up good personal relationships with the Government of Spain, particularly the Foreign Minister, a man called Josep Piqué. Those were confidential. However, the Moncloa, which is the equivalent of No. 10 in Madrid, kept leaking what we were doing and our life became impossible. They would leak it, just because there was somebody who was incontinent in that office, and then the Gibraltarians would go berserk.

I am not saying that had there been proper confidentiality on those negotiations we would have got a satisfactory result, but there was no chance of getting any decent result while we were negotiating in this goldfish bowl.

I will give you another example, which is outside treaties but inside international law, namely Security Council resolutions. In the end, the process of negotiation and discussion at the Security Council is very public. Everybody can see it, but prior negotiation has to take place in private. On one of the most famous resolutions, Resolution 1441 on Iraq, we were negotiating with potential political opponents, such as France, Germany, China and Russia. We got an agreed unanimous outcome only because there was confidence between the people who were negotiating and there was privacy for this. I can think of plenty of other examples, including inside the EU.

Yes, there should be transparency about whether the Government are about to enter into a negotiation and transparency about the final text, but if people want there to be international agreements, bilateral and multilateral, they have to accept that there is a point in that process where it has to take place in private.

Lord Pannick: Do you accept that there should be a presumption of transparency, which would need to be overborne where the Government take the view that confidentiality is necessary for the effective negotiations to proceed?

Jack Straw: I am afraid I do not, no. First, I certainly would not put that in legislation. Otherwise, in the middle of a negotiation you could end up in the Divisional Court over some wretched argument about whether you had fulfilled the exception to the presumption.

Secondly, I do not agree with the principle that there should be no more secret treaties. Well, as far as I know, there are no more secret treaties.

There are understandings, for example the Five Eyes understanding between us and the other four intelligence partners. The detail of that is not made public. It may be a treaty, but I do not think it is. It is just a very clear international understanding.

There should be transparency at the beginning and the end of the process, but if this Committee is interested in making this process better it ought to assert that in the middle of the process it should be for the negotiators to decide how much privacy and confidentiality there should be, and certainly not others.

The Chairman: You did not want transparency at the beginning of the discussions about Gibraltar.

Jack Straw: There was plenty of transparency there, in that we told the House of Commons that we were involved in the negotiations under the so-called Brussels process. Not only would it have been wrong for us not to have said this, but it would have been political suicide for Lord Hain and me anyway.

The process, which was called the Brussels process, was public, for sure, and we set out what we were trying to achieve, which was to continue with Gibraltar being ultimately under the British Crown, as long as the Gibraltarians wanted that. We were trying to sort out much better the practical arrangements between Gibraltar, the Kingdom of Spain and us, so that we would no longer have these continuing difficulties for the life of Gibraltarians about how they made phone calls, whether border controls were exercised and so on. It was the middle bit that we had to negotiate in public.

Q78 **Lord Norton of Louth:** You know from your experience of the legislative process that Ministers would generally see success as Royal Assent. You got the Bill through. It is on the statute book. There is a growing recognition now of the importance of post-legislative scrutiny, not least thanks to the work of this Committee. Could something similar apply in the case of treaties, in that you could have a parliamentary committee, part of whose task was to look, post implementation, at treaties? Have they achieved what they were designed to achieve? Have they become obsolete, perhaps?

Jack Straw: Yes, it is a good idea. One of the issues is to decide whether that should be subject to consideration by a Joint Committee on treaties that was dedicated to treaties, or whether in certain circumstances it would be a matter for the subject Select Committees. In principle, yes.

The Chairman: Thank you very much indeed. We are only one minute over our time, so this has been a very efficient as well as effective session.

Jack Straw: Thank you very much indeed.