



HOUSE OF LORDS

European Union Committee –
International Agreements Sub-Committee

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Lord Ahmad of Wimbledon
Minister for South Asia and the Commonwealth
Foreign and Commonwealth Office
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22 June 2020

Working Practices inquiry

Dear Lord Ahmad,

Thank you for speaking to the International Agreements Committee on 17 June about our Working Practices inquiry, which provided a useful and constructive discussion.

The Committee was pleased to note your commitment to working cooperatively to find ways to support parliamentary scrutiny of international agreements, including those that do not currently engage CRAG, such as Memoranda of Understanding. We welcome your commitment to helping to address some of the challenges posed by the short timetable under CRAG, including ensuring that sufficient time can be found to allow our Committee to report on an agreement after it is finalised but before it is laid formally under CRAG.

It was also useful to discuss the ‘umbrella’ role you and the Foreign and Commonwealth Office play across Government when it comes to the negotiation and conclusion of international agreements and submitting them for scrutiny under CRAG. We agree with you that there ought to be a consistent approach to supporting parliamentary scrutiny across Departments and hope that you and your officials might work in Government to help ensure that this is the case.

In our discussion, you highlighted that it will be difficult to establish a single, one-size-fits-all framework for either the provision of early information or the laying of political agreements like MOUs for scrutiny. We appreciate that international agreements vary widely and agree with you that experience will be a good guide of the sorts of working practices that will be most effective for different types of agreements.

Nevertheless, we hope our officials can start to discuss now the types of agreements where, in principle, information could be provided early to the Committee prior to a final agreement being laid for scrutiny under CRAG, as well as those categories of agreements that would not be subject to CRAG but we might agree should be notified to the Committee and offered for scrutiny. It would be useful to make some progress on this issue by the September, to allow the

Committee and you to consider some recommendations about a flexible framework that would give more clarity to Departments across Government about what the Committee will need from them in order to conduct parliamentary scrutiny effectively.

During the meeting we also discussed the sorts of information included in Explanatory Memoranda, and in particular the role the FCO could play in ensuring that all Departments were able to provide informative assessments of the human rights impacts of international agreements. We are grateful for the work that FCO officials have done so far in reviewing the EM template to help ensure that EMs provide the Committee with the information it needs and hope that this guidance will prove effective.

Finally, we discussed the role of the devolveds in international agreements. We welcome your open and collaborative approach to working with the devolved administrations and hope that this is shared by your colleagues across Whitehall, as we know it is shared by Lord Grimstone at the Department for International Trade. You noted that sharing initialled agreements with the UK Parliament at the same time as sharing them with the devolved administrations would need to be considered on a case-by-case basis. While we appreciate it is hard to define in the abstract precisely when an agreement might be suitable for sharing, we again hope that our officials might have productive discussions in the next few months about how to develop a flexible framework for doing this.

As you know, we are working towards concluding our inquiry and will be publishing a full report in the coming weeks. In that respect, it would be very useful if we could include in our report an annex recording some of the discussion that we have had with you, so that other members and the public are aware of the exchange we have had in person, as well as by correspondence. I hope that you might agree that this letter, along with any response from you, can be put into the public domain as part of our final report.

I would be grateful for a response to this letter by 30 June, if possible, to allow us to finalise our report as swiftly as possible in early July.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lord Goldsmith', with a large, stylized flourish at the end.

Rt Hon. the Lord Goldsmith QC
Chair of the House of Lords International Agreements Sub-Committee