



HOUSE OF LORDS

International Agreements Committee

3rd Report of Session 2022–23

Scrutiny of international agreements: UK-France Maritime Security Agreement

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International Agreements Committee

The International Agreements Committee is appointed by the House of Lords in each session to consider matters relating to the negotiation, conclusion and implementation of international agreements, and to report on treaties laid before Parliament in accordance with Part 2 of the Constitutional Reform and Governance Act 2010.

Membership

The Members of the International Agreements Committee are:

[Lord Astor of Hever](#)

[Lord Morris of Aberavon](#)

[Lord Gold](#)

[Lord Oates](#)

[Baroness Hayter of Kentish Town](#) (Chair)

[Lord Razzall](#)

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[Lord Sandwich](#)

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[Baroness Liddell of Coatdyke](#)

[Lord Watts](#)

Declaration of interests

See Appendix.

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Committee staff

The current staff of the Committee are Jennifer Martin-Kohlmorgen (Clerk), Andrea Ninomiya (Policy Analyst) and Robert Cocks (Committee Operations Officer).

Contact details

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SUMMARY

This report addresses the following Agreement, laid before Parliament in accordance with section 20 of the Constitutional Reform and Governance Act 2010 (CRAG), which we report for information:

- Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic on Cooperation in Matters relating to Maritime and Port Security, and specifically, in relation to Passenger Vessels in the Channel (CP 666, 2022)

The Agreement replaces and builds on an existing Memorandum of Understanding between the UK and France. The new treaty seeks to promote co-operation between the Parties, provides for the deployment of protection teams on UK and French-flagged passenger vessels operating in the English Channel, and allows joint interventions.

While we report this Agreement for information only, we note that the Explanatory Memorandum (EM) published alongside it does not include information on whether amendments to the Agreement will be subject to parliamentary scrutiny under CRAG. We call on the Government to review its quality assurance processes to ensure that all EMs include this information, in line with existing Government guidance.

Scrutiny of international agreements: UK-France Maritime Security Agreement

AGREEMENT REPORTED FOR INFORMATION

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic on Cooperation in Matters relating to Maritime and Port Security, and specifically, in relation to Passenger Vessels in the Channel (CP 666, 2022)¹

1. The Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic on Cooperation in Matters relating to Maritime and Port Security, and specifically, in relation to Passenger Vessels in the Channel (the UK-France Maritime Security Agreement) was laid on 11 May 2022, and the scrutiny period is scheduled to end on 29 June 2022. It was considered by the Committee on 16 June 2022.
2. The Agreement aims to “enhance and maintain the security of vessels and the safety of their passengers and crew”² in the English Channel by promoting co-operation between the Parties, allowing the deployment of protection teams on UK and French-flagged passenger vessels operating cross-Channel routes, and allowing joint interventions on any passenger vessel operating in the Channel. The scope of the Agreement is limited to operations on commercial vessels,³ and the Explanatory Memorandum (EM) published alongside the Agreement notes that “this Treaty does not apply to other UK Government maritime priorities (e.g. small boats activity)”⁴.
3. The EM explains that it replaces a Memorandum of Understanding (MoU), which had “allowed for the uninterrupted deployment of armed French gendarmes maritimes onboard French-flagged cross-Channel passenger vessels”.⁵ The Agreement formalises this arrangement and builds on it, including by extending the same powers to UK Sea Marshals deployed on UK-flagged cross-Channel passenger vessels.

1 Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic on Cooperation in Matters relating to Maritime and Port Security, and specifically, in relation to Passenger Vessels in the Channel, 26 July 2021: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1073810/CS_France_3.2002_UK_France_Agreement_Cooperation_Maritime_Port_Security_Passenger_Vessels_Channel.pdf [accessed 20 June 2022]

2 Article 1

3 Article 2 of the Agreement defines “Passenger Vessel” as “a commercial boat or ship that carries more than 12 passengers, with or without accompanying vehicles”.

4 Foreign, Commonwealth and Development Office, Explanatory memorandum: UK/France: Agreement on Cooperation in Matters relating to Maritime and Port Security, and specifically, in relation to Passenger Vessels in the Channel: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1073833/EM_CS_France_3.2022_UK_France_Agreement_Cooperation_Maritime_Port_Security_Passenger_Vessels_Channel.odt [accessed 20 June 2022]

5 EM, para 3.2

4. The EM does not identify any significant human rights implications, noting that armed marshals will be trained to each Party's relevant domestic standards, and private contractors will not be permitted to carry arms.⁶

Entry into force

5. The Agreement will enter into force on the first day of the second month after both Parties have confirmed that they have completed their respective internal procedures.⁷ The EM explains that no new legislation is required to bring the Agreement into force.⁸

Governance and amendments

6. The Agreement establishes a monitoring group with representatives from both Parties and responsibility for implementation. Disputes are to be settled through consultation and negotiation.⁹ Temporary suspension of all or part of the Agreement is possible if necessary for national security reasons¹⁰ and the Agreement can be terminated by either Party by giving six months' notice.¹¹
7. Amendments to the Agreement may be made in writing by mutual consent and will be subject to diplomatic notification confirming that each Party has completed their domestic internal procedures.¹² This suggests that amendments would be subject to parliamentary scrutiny in accordance with the Constitutional Reform and Governance Act 2010, but the EM does not confirm what the position is.¹³
8. **We call on the Government to review its quality assurance processes to ensure that all EMs include information on whether amendments will be subject to parliamentary scrutiny under CRAG, in line with existing Government guidance.**

Territorial scope and consultation

9. The Agreement applies to the UK, and the territorial waters of the Bailiwicks of Guernsey and Jersey (the Channel Islands). The EM confirms that they were consulted and updated on the final treaty text.¹⁴ It also explains that the Channel Islands have agreed in principle to the arrangements set out in the agreement, which is subject to the exchange of a *note verbale*¹⁵ with France, and the UK and the Channel Islands agreeing a Memorandum of Understanding on the underpinning operational practicalities.¹⁶ **We would welcome confirmation that these steps have been concluded in due course.**
10. Although the Agreement relates to a reserved matter, the EM notes that the UK Government also engaged with the Devolved Administrations, providing updates on the progress of negotiations.¹⁷

6 EM, para 8.1

7 Article 8(1)

8 EM, para 5.1

9 Article 17

10 Article 18(3)

11 Article 18(4)

12 Article 18(2)

13 EM, para 4.4

14 EM, para 10.1

15 A type of diplomatic note that is unsigned.

16 EM, para 10.3

17 EM, para 10.1

11. **We report the UK-France Maritime Security Agreement to the House for information. In particular, we highlight our comments at paragraph 8.**

APPENDIX: LIST OF MEMBERS, DECLARATIONS OF INTEREST AND COMMITTEE STAFF

International Agreements Committee Members and staff

Lord Astor of Hever

No relevant interests

Lord Gold

Director, Gold Collins Associates Ltd

Principal, David Gold & Associates LLP

Baroness Hayter of Kentish Town

Senior Non-Executive Director, Association of British Insurers

Lord Kerr of Kinlochard

No relevant interests

Lord Lansley

Director, LOW Associates Ltd

Chair, UK-Japan 21st Century Group

Trustee, Radix

Baroness Liddell of Coatdyke

Association Member, Bupa

Chair, Annington Ltd

Honorary Vice President, Britain-Australia Society Education Trust

Trustee, Northcote Educational Trust

Lord Morris of Aberavon

No relevant interests

Lord Oates

Director, H&O Communications Ltd

Lord Razzall

Director, North Atlantic Mining Associates Limited

Director, ZeU Technologies Inc

Shareholdings, ZeU Technologies Inc

Shareholdings, St-Georges Eco-Mining Corporation

Shareholdings, Tintra plc

Earl of Sandwich

No relevant interests

Lord Udny-Lister

Advisor to the Group Chairman of HSBC

Lord Watts

No relevant interests

The Committee staff are Jennifer Martin-Kohlmorgen (Clerk), Andrea Ninomiya (Policy Analyst), and Robert Cocks (Committee Operations Officer).