



**Public Administration  
and Constitutional Affairs  
Committee**

From the Chair  
**Dame Jackie Doyle-Price MP**

Rt. Hon. Penny Mordaunt MP  
Leader of the House of Commons  
House of Commons  
*Via email only*

14 May 2024

Dear Penny,

**Sifting Committee for International Agreements**

The Public Administration and Constitutional Affairs Committee have published the response it recently received from the Government to its report *Parliamentary Scrutiny of International Agreements in the 21<sup>st</sup> Century*. In its response, the Government said it was a matter for the House of Commons to consider whether to establish a sifting committee, building on the example of the House of Lords International Agreements Committee. The Government's response also cited comparable systems in Australia and New Zealand.

The Government response welcomed the creation of the House of Lords' International Agreements Committee (IAC). I would therefore like to ask for the assessment that the Government has made of its interactions with the IAC throughout this Parliament. Such an assessment will help to inform the discussion around the merits of establishing a similar House of Commons committee. Furthermore, although the creation of a Commons committee is a matter for the House of Commons, such a change would require Parliamentary time and government support to deliver. Therefore, the view of the Government of this proposal is crucial as to whether there is merit in proceeding down this route.

I would appreciate a reply with such an assessment by 11 June. I am copying this letter to the Chairs of the Liaison, Procedure and the Business and Trade Committees.

**Dame Jackie Doyle-Price MP**  
**Chair, Public Administration and Constitutional Affairs Committee**

## **Annex: Committee Conclusions and Recommendations, and Government Response**

Public Administration and Constitutional Affairs Committee, Second Report of Session 2023-24, *Parliamentary Scrutiny of International Agreements in the 21st century*, [HC 204](#):

17. We believe that adequate time should be available for both Houses to conduct meaningful scrutiny of treaties. However, it is a matter for the House of Lords how it chooses to arrange its business, both in its committees and chamber. We would, however, hope that a practice might develop whereby the House of Lords carries out scrutiny and holds a debate and vote on a treaty prior to that which will take place in the House of Commons under the amended legislation, so that the views of that House can be taken into account when the elected chamber votes on whether to approve a treaty.

**(Paragraph 70)**

19. ...*When the Constitutional Reform and Government Act 2010 is amended in line with our recommendations in paragraphs 65–68 above, it should include a mechanism to ensure that all amendments to treaties, or decisions made under them, are considered by the sifting committee. That committee can recommend, within 21-sitting days following notification by the Government, that the amendment is either:*

- i of such a nature as to not require a debate and vote; or*
- ii is, in its view, of such a nature that it should be subject to the process set out in paragraphs 65–67 above.*

*In a situation where the sifting committee has does not make a recommendation within the 21-day sitting period, it will be considered as if that committee had recommended that the measure is of such a nature as to not require a debate and vote.*

**(Paragraph 76)**

28. The current arrangements in Parliament for the scrutiny of international agreements are not commensurate with their constitutional importance. The House of Lords has taken steps to address this constitutional lacuna with the establishment of the International Agreements Committee. By contrast, the scrutiny arrangements in the House of Commons are currently insufficient to carry out what is a core function of Parliament, namely the scrutiny of international agreements. This core function should be understood to include involvement in the mandate setting and negotiation phases, the ultimate approval of treaties, and holding the Government to account for their exercise of powers to negotiate and reach these agreements. The important work done by the International Trade Committee during its existence has demonstrated the vital nature of a strategic approach to the parliamentary scrutiny of treaties. Furthermore, we are of the view that the statutory changes we have recommended earlier in this report, requiring all treaties to be subject to parliamentary process and, in appropriate cases, expressly approved by the House of Commons, should result in a greater focus from committees on international agreements. It is clear that the House of Commons is well placed to use its existing subject specialism in the departmental committee structure to provide detailed policy-focused scrutiny of international agreements. However, we note that this may not be sufficient by itself. *We recommend that the Liaison Committee adds the scrutiny of international agreements to the core tasks of all relevant committees. To further support this aim, we call on the Government to bring forward a motion to amend the Standing Orders to add "scrutiny of relevant international agreements" to the remit of all relevant committees.*

*Moreover, to ensure that scrutiny of international agreements is given the necessary attention in the House of Commons, we further recommend that a bespoke committee is established, along the lines of the International Agreements Committee in the House of Lords, to act as the focal point for such scrutiny and to lead on this scrutiny in the House of Commons.*

(Paragraph 133)

29. Effective scrutiny of international agreements requires both policy expertise and expertise in international agreements and law. *We recommend that a review is carried out to consider whether and what additional resource is required to support effective scrutiny of international agreements in the House of Commons.*

(Paragraph 134)

Public Administration and Constitutional Affairs Committee, Second Special Report of Session 2023-24, *Parliamentary Scrutiny of International Agreements in the 21<sup>st</sup> century: Government Response to the Committee's Second Report of session 2023-24*, HC 685:

“It is for the House of Commons to consider the merits of establishing a committee to sift treaties before referring them to other committees for closer scrutiny. The Government would draw its attention to the setup adopted in comparable systems, particularly Australia and New Zealand. In Australia there is a Joint Standing Committee on Treaties of both Houses of the Australian Parliament. In New Zealand the Foreign Affairs, Defence and Trade Committee acts as the sifting committee, which distributes treaties laid to the relevant subject matter select committee in the New Zealand Parliament for consideration.”

**(Response to Recommendations and Conclusions 17, p. 7)**

“The Government does not agree that all treaties should be subject to the explicit approval of Parliament before they enter into force. CraG [Constitutional Reform and Governance Act 2010] recognises that amendments are also legally binding instruments. CraG therefore applies equally to amendments as it does new treaties, subjecting to scrutiny those that would enter into force upon ratification.”

**(Response to Recommendations and Conclusions 19, p. 8)**

“The Government agrees that a core function of Parliament is to hold the Government to account, including in relation to treaties. The Government recognises that departmental Select Committees have subject matter expertise that they may wish to apply to the assessment and scrutiny of treaties signed by their respective Government departments. However, the Government does not agree with the Committee's recommendations that would require Parliament to approve treaties and notes that how Parliament chooses to hold Government to account and carry out its statutory responsibilities for treaty scrutiny are matters for Parliament. The Government welcomes any efforts to ensure the UK has an efficient, sustainable process of scrutiny to support transparency and accountability in its treaty making. It will continue to engage with any committee tasked with scrutinising treaties in a constructive way. The Government has welcomed the scrutiny efforts provided by the IAC in the House of Lords, which provides a valuable scanning function. It is a matter for the House of Commons whether to introduce a similar function.”

**(Response to Recommendations and Conclusions 28-29, p. 12)**