

UK-Senegal Defence Cooperation Agreement: Government Response to the Lords International Agreements Committee's 12th Report of the 2023/24 session

The Government welcomes the House of Lords International Agreements Committee's (HLIAC) Twelfth Report of the 2023-24 session on the UK-Senegal Defence Cooperation Agreement published on 15 May 2024 (HL Paper 116). The Government response is set out below. The Committee's conclusions and recommendations are highlighted in bold, with the paragraph numbering in brackets referring to their location within the report. The Government's response to each, follows in plain text.

1. **We welcome the evolving defence partnership between the UK and Senegal that builds on the existing MoU.** (Paragraph 10).

2. **We report the UK-Republic of Senegal Defence Cooperation Agreement to the House for information, together with our comments at paragraphs 13, 16, 18, 19 and 20.** (Paragraph 21).

The Government notes the Committee's conclusions and appreciates the work of the Committee in scrutinising this treaty. The defence relationship with Senegal is important to the UK. We welcome the recent deepening of our political, economic, development, and military relations and the ability afforded by this treaty to further strengthen our military partnership across the maritime, land and air domains.

3. **We note that a subsequent agreement on the exchange of classified information will need to be concluded in due course. We welcome assurances from the Government that no intelligence will be exchanged prior to the conclusion of such an agreement, and ask that the agreement be shared with us when available to ensure that we can scrutinise this important element of UK-Senegal defence relations.** (Paragraph 13).

The Government can confirm that no classified information or intelligence will be exchanged without the conclusion of such an agreement being reached on the topic. We commit to bring any such agreement to the Committee's attention in due course should our bilateral relationship develop in that direction. We envisage that any future agreement would be limited to a defence only requirement to exchange classified information. Should this not transpire to be the case, the Cabinet Office would be consulted. The Government intends to discuss this topic further during the Joint Military Commission provided for in this treaty.

4. **We note the delay in laying the Agreement and that the implementing legislation has been passed before the completion of the CRAG process. We therefore call on the Government to set out in its response to this report the reasons behind the delay in laying the Agreement and to explain why the associated legislation was adopted in advance of our reporting. We also call for assurance that the Government will in future ensure that substantive implementing legislation is not put before Parliament before this Committee has had an opportunity to scrutinise and report on an agreement.** (Paragraph 16).

The dates of the implementing legislation and the laying of the treaty for scrutiny in this case were matters decided by the previous Government. The general practice has been to lay treaties for scrutiny before passing implementing legislation. However, flexibility to pass legislation before or during parliamentary scrutiny of a treaty can be beneficial.

5. **We regret that the implementing arrangements will not be subject to Parliamentary scrutiny under CRAG. We invite the Government to propose appropriate means for scrutiny of these subsequent arrangements.** (Paragraph 18).

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The Defence Cooperation Agreement provides a framework for military cooperation between the UK and Senegal, including a legal basis where this is required by Senegalese law, such as providing for criminal jurisdiction.

It is not unusual for administrative arrangements to be established at a later date by the parties or a body established under a treaty. However, the Government acknowledges the Committee's concern.

Overseen and coordinated by the Joint Military Commission, implementing arrangements, where appropriate, will be drafted to cover the organisation, coordination and execution of military activities described in the scope of the agreement. Many of these activities already take place with their detail organised by the Defence Attaché at the British Embassy in Dakar. However, given the developing UK-Senegal defence relationship, it was determined that a more formal and detailed mechanism was required by which to record responsibilities and the arrangements for more complex activities.

Should the nature or scope of the activity covered by an implementing arrangement be novel, contentious, or fall outside the powers delegated to ministers and officials within the Ministry of Defence, the Government will consult appropriately to preserve the sovereignty, security, and prosperity of the UK.

6. We regret that the EM does not provide any information on the financial implications of the Agreement and that they are to be agreed in subsequent implementing arrangements that are not subject to parliamentary scrutiny. We call on the Government to provide further details on the financial provisions related to the Agreement to enable appropriate parliamentary oversight. (Paragraph 19).

The Government assesses that the financial implications of the Agreement are limited to the enabling costs for the establishment, convening and running of the Joint Military Commission and routine Defence Engagement activity. Accordingly, no new funding will be sought, instead it is anticipated that all costs will be covered from the Ministry of Defence's core funding.

7. Amendments to the Agreement may be made at any time by mutual consent via a diplomatic exchange of letters, and would take effect immediately. This means that CRAG will not apply to any amendments made to the Agreement. We note that paragraph 4.7 of the EM is incorrect as it suggests CRAG will apply. (Paragraph 20).

The Government agrees that amendments to the Agreement effected through a diplomatic exchange of letters as envisaged under article 15(2) would not be subject to parliamentary scrutiny under CRaG as they would not be amendments requiring ratification. The second sentence of 4.7 within the Explanatory Memorandum was included for completeness, for example should an alternative method of amendment be later agreed.