

**Written evidence from the House of Lords International Agreements
Committee (SIT 21)**

Public Administration and Constitutional Affairs Committee

The Scrutiny of International Treaties and other international agreements in the 21st century inquiry

Please accept this letter as the formal submission of the House of Lords International Agreements Committee (IAC) to your inquiry ‘The Scrutiny of International Treaties and other international agreements in the 21st century’.

I have delayed sending you this so that we could first finalise our recent report ‘Working practices: one year on’ – a copy of which is enclosed as [Annex A](#) to this letter.

Your call for evidence poses a number of questions which we sought to address in our report. In particular, we made recommendations in respect of a number of issues including: transparency and the circumstances in which the Government should submit important treaty amendments and memoranda of understanding for scrutiny; consultation with the devolved administrations; the coordination of the laying of treaties and the passage of implementing legislation; and, the need for a formal concordat between the Government and Parliament on the scrutiny of free trade agreements.

I note that the Chair of the House of Commons International Trade Committee (ITC), Angus Brendan MacNeil MP, wrote to the Secretary of State for Trade on 28 September 2021 endorsing the recommendations that we made in our report.

In addition to suggestions for practical reforms that would not require legislative change, our report concluded that even if implemented, the current legislative framework, the Constitutional Reform and Governance Act 2010, is insufficient to facilitate the robust and effective scrutiny of international agreements.

Accordingly, we recommended that legislative changes to the system should prioritise: (i) ensuring that Parliament has a formal role earlier in the process than it currently does; (ii) Parliament should be provided with a treaty text in advance of signature, so that significant issues can be raised before the text is finalised; and, (iii) Parliament’s consent should be required, prior to ratification, for all trade agreements and any other significant treaties which are drawn to the special attention of either House by a relevant committee.

Finally, I note that your terms of reference contain a number of questions about information sharing. The Department for International Trade has provided the IAC and the ITC with regular confidential briefings on negotiations on trade agreements, and has promised to give us advance access to treaty texts. We concluded that these commitments are both useful and will help to give Parliament, as a whole, access to well-informed reports on trade agreements. Confidential briefings can, however, lack the level of transparency required for scrutiny purposes. We understand that there will be areas of negotiations that are sensitive and confidential, but we believe that the principle of scrutiny by parliament is important and should be fully recognised. We have therefore reiterated our position that we are open to discussing any arrangement with the Government that may help facilitate the sharing of confidential information.

Overall, we believe that Government has made important progress on the road to an effective scrutiny system, but it still falls short of where it needs to be, and in particular by comparison with some of our most important trading partners.

Yours sincerely,

Peter Goldsmith

Chair, International Agreements Committee

October 2021