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Scrutiny of international agreements: lessons learned

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The European Union Committee

The European Union Committee is appointed each session “to scrutinise documents deposited in the House by a Minister, and other matters related to the European Union”.

In practice this means that the Select Committee, along with its Sub-Committees, scrutinises the UK Government’s policies and actions in respect to the EU; considers and seeks to influence the development of policies and draft laws proposed by the EU institutions; and more generally represents the House of Lords in its dealings with the EU institutions and other Member States.

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SUMMARY

In January 2019 the House of Lords Procedure Committee agreed that, for the remainder of the present session of Parliament, the European Union Committee should be tasked with scrutinising Brexit-related international agreements, or treaties. Since that time we have published 12 reports, on 42 agreements. This is a substantial body of work, for which there is no precedent in the United Kingdom Parliament. As committees in both Houses consider how Parliament should scrutinise international agreements after the UK has left the European Union, we offer this report, identifying key lessons that we have learned from our scrutiny, as a contribution to their consideration.

Parliament's formal role in scrutinising treaties is set out in the Constitutional Reform and Governance Act 2010 ('the CRAG Act'), and our over-riding conclusion is that the CRAG Act is poorly designed to facilitate parliamentary scrutiny. The CRAG Act provisions come into play only after treaties have been signed by the parties, and the timetable they prescribe is too short to allow proper consultation or engagement by committees. While improvements could be made without amending the CRAG Act, we note that this option remains open to Parliament.

If there is to be constructive and informed parliamentary engagement (and by extension stakeholder and wider societal engagement) in treaty-making, scrutiny needs to start earlier, before formal negotiations begin. In respect of more significant treaties, particularly trade agreements and other large-scale agreements, a clear negotiating mandate should be published in draft, forming the basis for committee engagement and consultation.

During negotiations, parliamentary committees should be kept informed of major developments, at regular intervals, in an agreed manner. There should be a general presumption in favour of transparency during treaty negotiations: while there may be occasions when the Government needs either to share information with committees in confidence, or withhold it entirely, these should be the exception, not the rule, and should be justified in each case.

When negotiations have concluded, the earlier committees can have sight of a treaty the better: we see no reason why committees should not see draft text when the treaty has been initialled (in other words, once political agreement has been reached). Such texts should also be supplied to the devolved administrations. When agreements have been signed, and the formal CRAG Act processes are engaged, the Government should provide comprehensive explanatory memoranda, which should incorporate mandatory headings, to ensure consistency across Government. We suggest an indicative list of headings.

In addition, we welcome clauses 3 and 5 of the Trade Bill, which provide for 'parliamentary reports' on trade agreements—though we are concerned that there is no equivalent provision for non-trade agreements. Such reports should incorporate full impact assessments; we also call on the government to provide transposition notes, to assist Parliament in ensuring that there is more joined-up scrutiny of the UK's international obligations and their implementation in domestic law. In return, we note that committees can help Government by setting out clear criteria against which they will assess and report on agreements.

We also note that impact of international agreements does not necessarily end on signature. Agreements in many cases allow for review, amendment and dispute resolution. The Government should state clearly the circumstances in which, where treaties are amended, they will re-engage the CRAG Act process. The Government should also report regularly to Parliament on changes in international agreements to which the UK is party.

Finally, we note that the CRAG Act applies only to international agreements between States or between States and international organisations which are binding in international law. This could create a scrutiny gap, excluding political agreements or agreements with non-State entities. Any future Treaties Committee may wish to consider how to address this gap.

Scrutiny of international agreements: lessons learned

CHAPTER 1: INTRODUCTION

Background

1. Treaty scrutiny is a developing area for Parliament and one which will become more important after Brexit, as the competence to negotiate and conclude international agreements in a range of policy areas is returned to the United Kingdom. Such agreements, or treaties, increasingly have a direct impact on daily life. This is particularly the case for trade agreements, as Derrick Wyatt QC, Emeritus Professor of Law at Oxford University, told this Committee in September 2016, at a time when we were contemplating the forthcoming Brexit negotiations:

“Trade agreements have moved on. They used to be mainly about tariffs, but now they are relatively little about tariffs. They are about non-tariff barriers and harmonisation of regulatory standards. They reach deep into the domestic policy-making sphere.”

While Mr Wyatt cited trade agreements specifically, he did not limit his observation to trade: “I think there is a strong argument to be made for the scrutiny of all international trade agreements that affect domestic decision-making.”¹

2. Thus treaties can embody important policy decisions and create legal obligations for the UK, impinging on the role of Parliament. They may also require legislation to be passed by Parliament, and can affect Parliament’s future ability to pass legislation that would place the UK in breach of its international law obligations. Even where treaties do not require any immediate changes to domestic law, they can develop dynamically through decision-making by treaty bodies, or following dispute resolution. This may lead to future changes or restrict domestic capacity for law-making over time. For all these reasons, parliamentary scrutiny of treaties matters.

The work of the European Union Committee

3. Since January 2019 the European Union Committee has been tasked by the House of Lords Procedure Committee with scrutinising Brexit-related treaties or international agreements. While there is no hard-and-fast definition of ‘Brexit-related’ in this context, the bulk of the agreements that we have scrutinised have been ‘rollover’ agreements. These are intended to replace agreements previously concluded between the EU and third countries or international organisations, which the UK has benefited from hitherto as an EU Member State, but which it now wishes to enter into in its own right, to ensure continuity post-Brexit. A much smaller number have been essentially new agreements, designed to deal with consequences of Brexit, such as the ending of free movement rights.²

1 Oral evidence taken on 6 September 2016 (Session 2016–17), [Q 5](#) (Derrick Wyatt QC)

2 An example of the latter category was the agreement on social security with the Government of Ireland to support the continued operation of the Common Travel Area after Brexit: see European Union Committee, [Scrutiny of international agreements: treaties considered on 5 March 2019](#) (32nd Report, Session 2017–19, HL Paper 306).

4. It is important to note that the majority of these Brexit-related agreements form part of the Government's contingency planning for a possible 'no deal' exit. If, on the other hand, the UK and EU conclude a Withdrawal Agreement, it is likely that, under the terms of that Agreement, EU international agreements will continue to apply to the UK for a transitional period, with the result that new UK-specific agreements may not be needed, at least in the short term.
5. Committees and officials in both Houses continue to reflect on the longer-term options for parliamentary scrutiny of treaties post-Brexit—most recently the House of Lords Constitution Committee, in its report *Parliamentary Scrutiny of Treaties*, published on 30 April.³
6. Although our role is time-limited, since January 2019 we have produced 12 scrutiny reports, considering 42 separate agreements—a substantial body of work, for which there is no precedent in the United Kingdom Parliament. We have therefore decided to pull together some reflections on our work, drawing on our experience and identifying key 'lessons learned'. We trust that this report will complement the work of other committees, making a useful contribution to this developing area.

The legal framework

7. As we set out in our report, *Scrutiny of international agreements: treaties considered on 5 February 2019*,⁴ treaties are negotiated, signed and ratified by the Government, on behalf of the UK, under prerogative powers. Parliamentary involvement is currently limited. Parliament has a role in scrutinising treaties under Part 2 of the Constitutional Reform and Governance Act 2010 (the CRAG Act); and, as the UK operates a dualist legal system, Parliament must legislate to give domestic legal effect to any treaty that creates new legal obligations.
8. The CRAG Act provides that, with some exceptions,⁵ the Government may not ratify a treaty unless it has first laid a copy before Parliament, and, within 21 sitting days⁶ of this happening, neither House has passed a resolution that the treaty should not be ratified. A resolution passed by the Lords is advisory, while the Commons can prevent the Government from proceeding for another 21 sitting days (and the Commons can pass further such resolutions, indefinitely postponing ratification).⁷ The CRAG Act also provides that the Government may, exceptionally, disapply this procedure as long as it provides reasons, although it cannot do so once either House has passed a resolution.⁸

3 Constitution Committee, *Parliamentary Scrutiny of Treaties* (20th Report, Session 2017–19, HL Paper 345)

4 European Union Committee, *Scrutiny of international agreements: treaties considered on 5 February 2019* (27th Report, Session 2017–19, HL Paper 282). The terms 'treaty' and 'international agreement' are used interchangeably in this report.

5 Constitutional Reform and Governance Act 2010, [section 23](#)

6 Defined as days on which both Houses sit.

7 Constitutional Reform and Governance Act 2010, [section 20](#)

8 Constitutional Reform and Governance Act 2010, [section 22](#)

9. The Act provides a definition for a ‘treaty’, which broadly follows the definition in the Vienna Convention on the Law of Treaties:⁹ a treaty is a written agreement between States or between States and international organisations which is binding under international law.¹⁰ This means that political arrangements, such as some memoranda of understanding (MoUs), and agreements which are not made with recognised States, or international organisations, are excluded from parliamentary scrutiny. Treaties which do not have to be ratified are also excluded.
10. The CRAG Act thus applies something akin to ‘negative procedure’ to treaties—it does not require Parliament’s approval for treaties. It also says very little about providing treaty information to Parliament, and it does not provide any role for the devolved administrations, even where treaties engage areas of domestic policy that are devolved. There is no requirement for time to be found for a debate, or a vote, under the CRAG Act, even where concerns have been raised by a parliamentary committee or a motion to withhold ratification has been tabled. This is unlikely to be a major issue in the House of Lords, where the usual channels customarily provide time for debates on motions relating to secondary legislation and committee reports, but may be more of an issue in the House of Commons.

Numbers and process

11. Hitherto, international agreements, as instruments subject to parliamentary procedures, have been scrutinised by the Secondary Legislation Scrutiny Committee (SLSC).¹¹ Since it commenced this work in the 2014–15 session the SLSC has considered 69 treaties—typically between 10 and 20 each year. The SLSC has reported on 18 treaties for information, but has not drawn any to the special attention of the House.¹²
12. As we noted above, we have so far reported on 42 separate Brexit-related agreements since January 2019. At the outset we decided to report on all such agreements, either reporting them for information or drawing them to the special attention of the House. Of the 42, we have drawn nine to the special attention of the House. We have aimed in all cases to report well before the expiry of the 21 sitting day period prescribed by the CRAG Act, to allow Members an opportunity to table motions for debate ahead of the deadline.

9 [The Vienna Convention on the Law of Treaties](#), (1969), Article 2(1)(a) provides that a treaty is “an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation”.

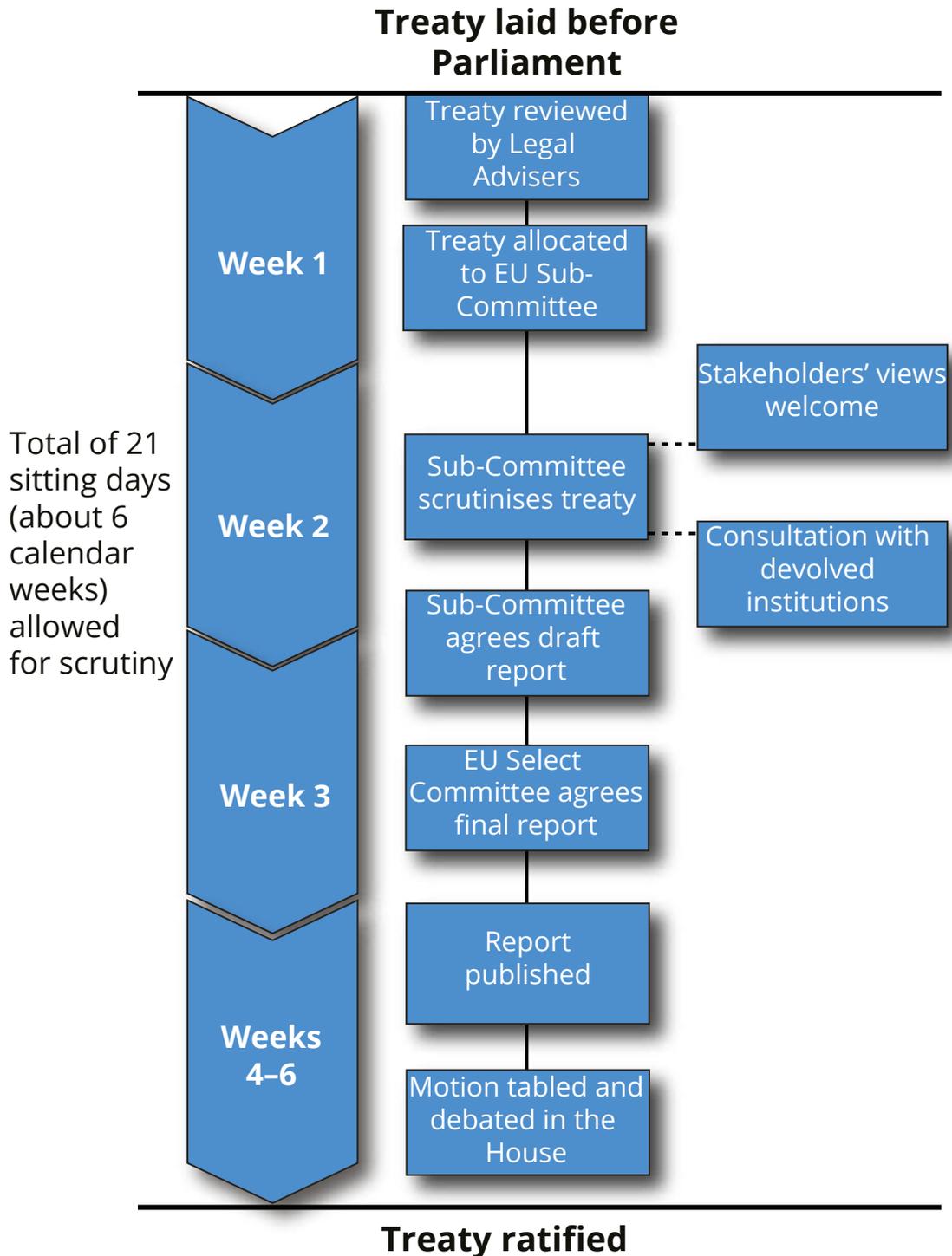
10 Constitutional Reform and Governance Act 2010, [section 25](#)

11 The SLSC retains responsibility for scrutinising any domestic secondary legislation that is required to give legal effect to Brexit-related international agreements.

12 For more details see Constitution Committee, [Parliamentary Scrutiny of Treaties](#) (20th Report, Session 2017–19, HL Paper 345), para 34.

13. The flowchart at Figure 1 describes the scrutiny process we followed.

Figure 1: The process of EU Committee scrutiny of treaties



14. Treaties are reported under two headings: those to which special attention is drawn, and treaties reported for information only. Treaties in the first category were analysed in detail, whereas brief factual summaries were provided for treaties in the second category. The Committee’s target was to give Members of the House time, after report publication, to consider tabling motions for debate. Thus we aimed to report well before the 21 sitting day deadline was reached.

15. To maintain consistency of approach, the criteria we applied in determining which treaties to draw to the special attention of the House were modelled on those established by the SLSC, though they were adapted, both in the context of the task at hand, and to reflect the different characteristics of international agreements, as opposed to statutory instruments. The criteria we have applied are:
- (a) That the treaty is politically or legally important, or gives rise to issues of public policy that the House may wish to debate prior to ratification;
 - (b) That it may be inappropriate, in view of changed circumstances since the precursor agreement was concluded by the EU;
 - (c) That it differs significantly from the precursor agreement to which the UK is party as an EU Member State;
 - (d) That it contains major defects, that may hinder the achievement of key policy objectives;
 - (e) That the explanatory material laid in support provides insufficient information on the agreement's policy objective and on how it will be implemented;
 - (f) That further consultation would be appropriate, including with the devolved administrations.
16. Of the nine agreements we have drawn to the special attention of the House, the majority raised issues under criteria (a), (c) and (f). Of these, four have been debated on the floor of the House, in two separate debates.¹³ These were all 'rollover' trade agreements, with Chile, the Faroe Islands, the Eastern and Southern African States and Switzerland.
17. It is difficult, on the basis of this limited sample, to predict the number of international agreements that will be subject to parliamentary scrutiny in coming years, their complexity, or the controversy that will attach to them. What is clear is that post-Brexit the extension of UK competence in the international sphere will mean more treaties being negotiated and laid before Parliament, and that those treaties will engage more sensitive areas of domestic policy, both reserved and devolved. Parliament will have to take treaty scrutiny seriously and devote proportionate time and resource to the subject. New and more robust criteria for assessing treaties will also be required—neither the SLSC's criteria (designed primarily for statutory instruments) nor our own (which reflect the Government's aim of achieving continuity with prior EU agreements) are likely to be appropriate.

This report

18. This report, as we have stated, draws out lessons derived from our scrutiny of international agreements. We also set out some principles that could serve as a starting point to make improvements to parliamentary treaty scrutiny procedures. Our report was informed by a private, roundtable event, held on 14 May 2019, attended by parliamentary and Government officials, along with Jill Barrett (a Visiting Reader in the School of Law at Queen Mary, University of London) and our specialist adviser, Dr Holger Hestermeyer

¹³ HL Deb, 13 March 2019, [cols 1107–1122](#) and HL Deb, 1 May 2019, [cols 971–996](#)

(Shell Reader in International Dispute Resolution at King's College London).
We would like to thank all who attended this helpful and instructive event.

19. **We make this report to the House for debate.**

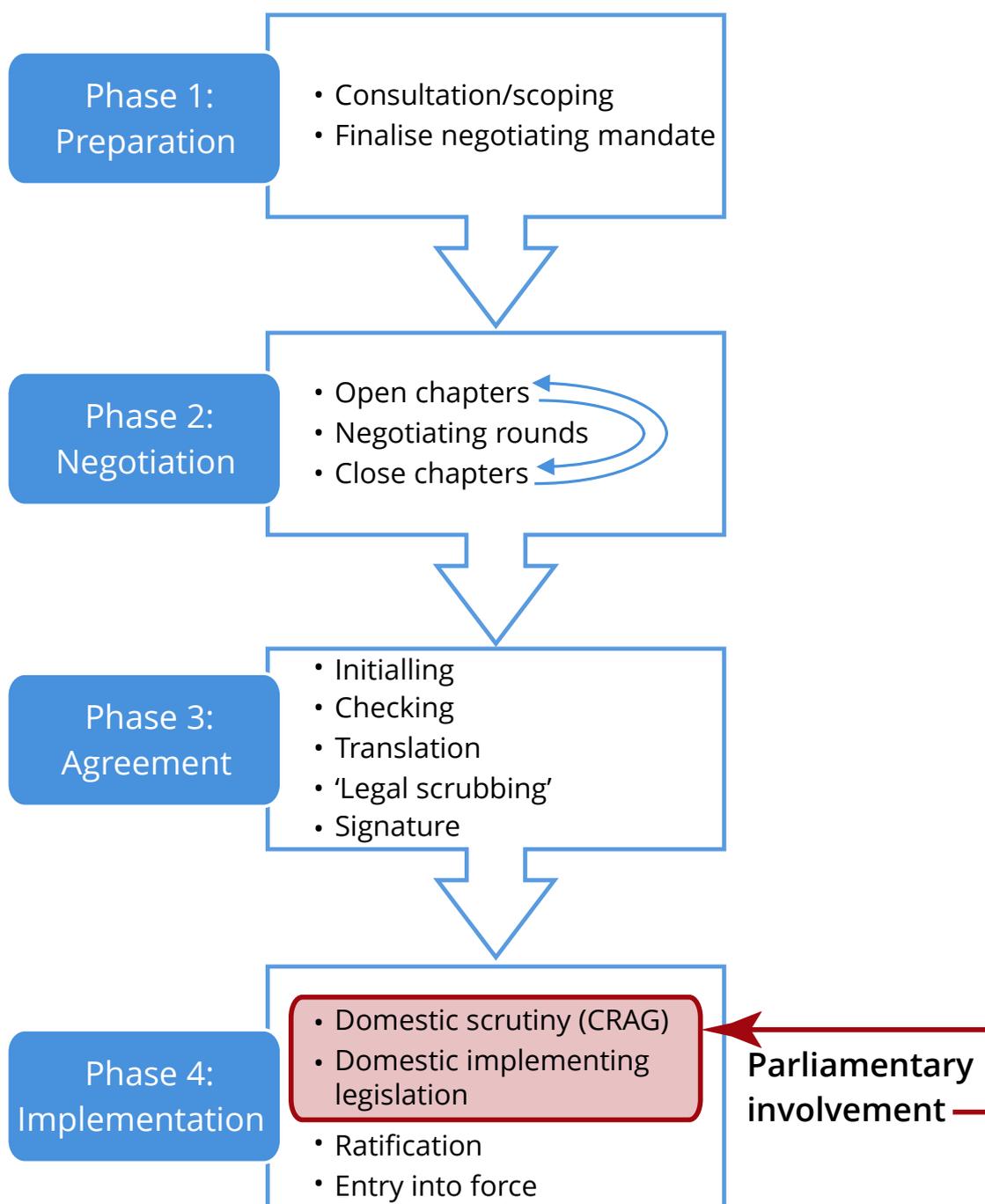
CHAPTER 2: PRINCIPLES FOR TREATY SCRUTINY

Weaknesses inherent in the CRAG Act processes

20. In its report, the Constitution Committee concluded that the “current mechanisms available to scrutinise treaties through CRAG are limited and flawed”, and that “reform is required to enable Parliament to conduct effective scrutiny of the Government’s treaty actions”.¹⁴ We agree with this over-arching conclusion.
21. As we undertook our treaty scrutiny work, it became apparent that the CRAG Act suffered from certain practical weaknesses. Many of these related to the CRAG Act timetable: 21 sitting days proved insufficient for sub-committees to consult adequately with stakeholders, or for those stakeholders to conduct their own consultation or analysis. As a result, no evidence sessions were held and the opportunity for any public engagement was extremely limited.
22. The limitations that the CRAG Act places upon parliamentary involvement in the negotiation, agreement and implementation of treaties are illustrated in Figure 2. This gives an indicative overview of the stages in the process that would result in the entry into force of a typical trade agreement. In practice the process will vary, according to the subject-matter, complexity and sensitivity of each agreement. But whatever the earlier stages of negotiating and reaching agreement on a treaty, Parliament’s formal role is currently restricted to the final, implementation phase.

¹⁴ Constitution Committee, *Parliamentary Scrutiny of Treaties* (20th Report, Session 2017–19, HL Paper 345), para 33

Figure 2: Overview of process leading to entry into force of a typical trade agreement



23. The fact that we were scrutinising Brexit-related 'rollover' agreements meant that the problems we encountered were less serious than they might have been in other circumstances. The agreements were negotiated in most cases with a view to mitigating a possible 'no deal' exit on 29 March 2019, and their aim was to ensure continuity with pre-existing agreements from which the UK already benefited (and which had previously been subject to scrutiny at both EU and national level). Our reporting criteria were drawn up accordingly, focusing on whether the new agreements differed from the precursor agreements, rather than analysing their inherent merits.

24. We also came to this task with significant advantages: the EU Committee has a large staff complement of 26, including two legal advisers, an existing sub-committee structure, and a culture of document-based scrutiny. We were also supported by our specialist adviser. Even with these advantages, completing the work within the CRAG Act deadlines was challenging. Careful consideration should be given to the staffing of any committee tasked with scrutiny of treaties in the longer term: it will probably need significant levels of staff support, including access to specialists in both international and trade law. Other stakeholders, including the devolved administrations, may also need to reflect on the level of resource that they devote to consideration of new international agreements, if they are to engage effectively in the process and have their say in the outcome.
25. In summary, the fact that we were able to report on these agreements within 21 sitting days should not be seen as a vindication of the CRAG Act. Quite the contrary: we were only able to scrutinise these agreements within that timetable because we were able to take many of their underlying principles and objectives as a given. Even so, the CRAG Act timetable was a significant impediment, precluding meaningful consultation of stakeholders and limiting the opportunity for committee Members to engage in informed consideration and discussion.
26. Our experience thus supports the Constitution Committee's conclusion that the CRAG Act is poorly designed to facilitate parliamentary scrutiny. It presents Parliament with a 'take it or leave it' choice—whether or not to withhold its consent to a complex legal document, which may have taken many years to negotiate, and the text of which has been finalised. It precludes any opportunity for Parliament, or committees, to seek to influence the shape of agreements, either before or during negotiations.
27. As the Constitution Committee noted, a more effective scrutiny process would involve parliamentary engagement at three stages: (i) at the start of negotiations (the 'mandate' phase); (ii) during negotiations; and (iii) at the end of negotiations (the 'signature/ratification' phase).¹⁵ To this might be added a fourth stage, of continued oversight after an agreement has been implemented, as it continues to develop either due to decisions taken by treaty bodies, or following dispute settlement procedures. We outline these four stages below, suggesting ways in which parliamentary involvement could be improved. These suggestions would not require the amendment of the CRAG Act, though that option remains open to Parliament.
28. **The European Union Committee has reported on the Government's programme of continuity agreements within the timetable prescribed by the Constitutional Reform and Governance Act 2010, but this has come at a cost, reducing opportunities for consultation and collection of evidence, and limiting Member engagement. We therefore agree with the Constitution Committee that the CRAG Act is poorly designed to facilitate parliamentary scrutiny of treaties.**
29. **It follows that the fact that we have met the CRAG Act timetables in reporting on the Government's programme of continuity agreements is unlikely to be a reliable guide to future scrutiny of treaties. Once the Government begins to negotiate and conclude new treaties,**

15 See Constitution Committee, *Parliamentary Scrutiny of Treaties* (20th Report, Session 2017–19, HL Paper 345), para 68

particularly trade agreements, detailed committee scrutiny within the timetable prescribed by the CRAG Act is unlikely to be possible. While improvements could be made without amending the CRAG Act, we note that this option remains open to Parliament.

At the start of negotiations

30. In the words of the Constitution Committee: “Currently there is no requirement for the Government to alert Parliament nor to seek its consent to open treaty negotiations. There is also no real practice of Parliament being proactive in mandating the opening of negotiations for new treaties.” The Constitution Committee did not consider that Parliament should be required “to endorse the Government’s mandate”, but concluded that the Government “will want to ensure that it has the support of Parliament at the outset of negotiations in order to secure ratification to the final text of the agreement”.¹⁶
31. Our experience of scrutinising international agreements immediately prior to ratification bears out the wisdom of the Constitution Committee’s observations. If there is to be informed scrutiny at the end of the process, a minimum amount of high-level information should be provided to Parliament and relevant committees at the outset, whenever the Government enters into a negotiation with a view to concluding an international agreement. This includes:
 - Details of the State(s) concerned;
 - The subject matter;
 - The broad aims and negotiating mandate;
 - The core issues that might be engaged, including any affecting the interests of the devolved administrations;
 - The expected timescale for the negotiations;
 - The responsible Minister.
32. This basic list reflects some of the commitments made by the Department for International Trade (DIT) in its paper, *Processes for making free trade agreements after the UK has left the EU*.¹⁷ In that paper DIT undertook to publish an ‘outline approach’, including negotiating objectives and an analysis of economic impacts, and to ensure that Parliament has a role in scrutinising these documents.
33. We welcome the DIT’s openness to parliamentary engagement. Such information, provided when negotiations commence, will enable committees to plan and prioritise their work. It will provide an early opportunity for committees to consult the Devolved Administrations, Crown Dependencies, Overseas Territories and other interested stakeholders, such as business, sectoral representatives and local government. It will provide the raw

16 Constitution Committee, *Parliamentary Scrutiny of Treaties* (20th Report, Session 2017–19, HL Paper 345), paras 69 and 76

17 Department for International Trade, *Processes for making free trade agreements after the UK has left the EU*, CP 63 (February 2019): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/782176/command-paper-scrutiny-transparency-27012019.pdf [accessed 7 June 2019]

material for committees to seek evidence, conduct inquiries, and make recommendations—in other words, it will set the groundwork for constructive, transparent and informed parliamentary engagement (and, by extension, stakeholder and wider societal engagement) throughout the treaty-making process.

34. **At the start of all treaty negotiations, the Government should provide Parliament and all relevant committees with specified high-level information.**
35. **In respect of more significant treaties, particularly trade agreements and other large-scale agreements, a clear negotiating mandate will be required and should be published in draft. This will form the basis for committee engagement and consultation throughout the process.**

During negotiations

36. As well as scrutinising Brexit-related international agreements since January 2019, the European Union Committee has since the 2016 referendum sought to scrutinise the UK Government’s negotiations with the European Union, which gave rise in late 2018 to the UK-EU Withdrawal Agreement. At the outset we sought to identify a middle ground, acknowledging that it was not for Parliament to “seek to micromanage the negotiations”, but insisting that “the principle of accountability after the fact” was not “a sufficient basis for parliamentary scrutiny”.¹⁸
37. The Government has largely failed to find that middle ground as the negotiations of the past two years have progressed. The Committee did hold one helpful private meeting with Government lawyers in summer 2018, to discuss progress in negotiating the text of the draft Withdrawal Agreement. But this was the exception: as a rule, the Committee has been unable to gain access to timely or detailed information on the progress of negotiations. Requests for meetings with Ministers have been turned down, and Government responses to letters and reports have been delayed and often of poor quality. Nor did this lack of transparency aid the Government in securing support for the Withdrawal Agreement: indeed, it may have been actively counterproductive, particularly when compared to the European Commission’s consistent engagement with the European Parliament.
38. Our experience with the rollover agreement programme was rather different. European Union Committee staff liaised regularly with officials at the FCO, DIT, and the Department for Exiting the European Union (DExEU). Relations were cordial and constructive, and it would not have been possible to conduct the treaty scrutiny that we undertook without their helpful assistance.
39. However, this engagement took place largely within the parameters of the CRAG process, after agreements had been finalised. Where negotiations were still active, officials were constrained even in sharing information on timing: they were rarely able to provide much advance notice as to when an agreement might be signed, or when it might be laid before Parliament. It remains unclear, almost three months after the original planned date for

¹⁸ European Union Committee, *Brexit: parliamentary scrutiny* (4th Report, Session 2016–17, HL Paper 50), paras 17–18

UK withdrawal, whether some major trade agreements, such as those with Canada and Japan, will be rolled over at all.

40. It was also notable, during the negotiation and signature of the rollover agreements, that some other Parliaments were provided with information (and sometimes treaty documents) before the UK Parliament.¹⁹ Given the sheer volume of agreements under scrutiny, we might have found it difficult to consider draft documents and negotiations as well as the final agreements. But looking to the future, Parliament will expect to be involved far earlier in the process.
41. Drawing on this experience, we believe that Parliament should be informed of major developments in negotiations on treaties in which it has expressed a clear interest, at regular intervals. This does not mean Parliament ‘micro-managing’ negotiations, still less conducting them. But it does mean the Government reporting regularly to Parliament and being more open than has been the case hitherto. It means, among other things, sharing draft texts where these have been agreed at negotiator level between the parties (essentially where a chapter of the agreement is considered closed) and they are not considered to be confidential—as happened with early drafts of the UK-EU Withdrawal Agreement.
42. We also agree with the Constitution Committee that there “should be a general principle (rather than a legal requirement) in favour of transparency during treaty negotiations”.²⁰ While giving committees access to documents in confidence and providing private briefings may sometimes be helpful, it risks undermining the general principle that Parliament should conduct scrutiny openly. Confidential information makes it harder to engage with stakeholders and write reports, particularly where conclusions are based on undisclosed information. Committees work best when they are most transparent, to the House and to the public.
43. In some rare cases, we accept that information may be withheld from Parliament (for example where to make the information public would undermine the object and purpose of the treaty, or would cause grave harm to national security or to an individual). Nonetheless, these limited exceptions to the principle of transparency should be specified and justified as soon as is practicable by the Government. Parliament may wish to review this approach if there are indications that it is being abused by Government.
44. The question of transparency also has a bearing on intra-UK relations. In scrutinising Brexit-related agreements, we have frequently sought assurances from the Government that it has consulted the devolved administrations, so that they can comment whenever a treaty is likely to impinge on devolved competencies and interests.²¹ In future, when new treaties are being negotiated, rather than ‘rollover’ agreements, proactive engagement will be critical. Existing, informal channels of communications between the UK’s

19 Letter from George Hollingbery MP, Department for International Trade, to Lord Boswell of Aynho, 28 May 2019: <https://www.parliament.uk/documents/lords-committees/eu-select/scrutiny-brex-it-related-treaties/colombian-treaty-letter-may2019.pdf> [accessed 20 June 2019]

20 Constitution Committee, *Parliamentary Scrutiny of Treaties* (20th Report, Session 2017–19, HL Paper 345), para 90

21 See, for example, European Union Committee, *Scrutiny of international agreements: treaties considered on 12 February 2019* (29th Report, Session 2017–19, HL Paper 287), paras 5–6, and *Scrutiny of international agreements: treaties considered on 26 February 2019* (31st Report, Session 2017–19, HL Paper 300), paras 14–17.

legislatures may also need to be developed and, if necessary, strengthened, to help reduce scrutiny gaps and duplication.

45. **It is not Parliament’s job to micro-manage, still less conduct, treaty negotiations. But nor is it sufficient for Parliament merely to provide accountability after the fact—as the experience of the last two years so strikingly demonstrates. During the negotiation of treaties in which Parliament has expressed a clear interest, it should be kept informed of major developments, at regular intervals, in an agreed manner.**
46. **Treaty information provided to Parliament should generally be made public and exceptions to this must be specified and justified. The delineation between access and transparency will have to be agreed between Parliament and the Government. We accept that there may be limited occasions where access to confidential documents and briefings may usefully be provided to committees. But we agree with the Constitution Committee that there should be a presumption in favour of transparency during treaty negotiations.**

At the end of the negotiations

47. As we have noted, Parliament’s formal role in scrutinising treaties is set out in the CRAG Act, and involves the Government laying each agreement before Parliament for period of 21 sitting days prior to ratification. During that time either House may pass a resolution calling on the Government not to ratify the agreement.
48. If Parliament is to exercise its statutory functions under the CRAG Act effectively, it will need more than the final text of a treaty immediately prior to ratification. In reality, the text of any international agreement goes through various stages in the period leading up to ratification, and the earlier committees can have sight of the text (without formally triggering the CRAG process) the more likely it is that they will be able to provide informed commentary. This was acknowledged in the Department for International Trade’s paper on scrutiny of trade agreements, which indicated that the Government “would commit to ensuring that there was sufficient time between finalising a new [Free Trade Agreement] and laying it before Parliament under the CRaG procedure so that the committee(s) could make ... a report”.²²
49. We see no reason why committees should not see the draft text when it is initialled (in other words, when political agreement is reached). This would enable Parliament to give meaningful consideration to the obligations that would bind the UK before the Government enters into those obligations and fixes the agreement by signing it. These texts should also be supplied to the devolved administrations so that they can form a view as to whether devolved competencies and interests are engaged.
50. It is also vital that, when it is laying an agreement under the CRAG Act, the Government provides an adequate explanatory memorandum (EM). Section 24 of the CRAG Act merely states that an EM is required, and that it should explain “the provisions of the treaty, the reasons for Her Majesty’s

22 Department for International Trade, *Processes for making free trade agreements after the UK has left the EU*, CP 63 (February 2019): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/782176/command-paper-scrutiny-transparency-27012019.pdf [accessed 7 June 2019]

Government seeking ratification of the treaty, and such other matters as the Minister considers appropriate". The CRAG Act does not provide clear guidance as to the precise content of EMs, and our experience was that the information provided can be patchy.²³ On the basis of our experience scrutinising EU documents, we see benefit in EMs incorporating a series of mandatory headings, to ensure that Government departments take a consistent approach to the information that is provided to Parliament. It will be for a future Treaties Committee to consider the structure of EMs in more detail, but we hope that the following indicative list will be helpful in informing that consideration:

- Ministerial responsibility;
- Subject matter;
- Policy considerations;
- Financial considerations;
- Economic considerations (including, for trade agreements, a full economic impact assessment);
- Human rights and equalities implications²⁴;
- Environmental implications;
- Devolved interests and competencies engaged;
- Reservations and declarations;
- Governance arrangements (including dispute resolution and review processes);
- Process for handling any future amendments (including decisions by treaty bodies);
- Implementation and transposition, including any pre-existing legislation relied upon and non-statutory measures;
- Consultation undertaken or planned (including with the Devolved Administrations, Crown Dependencies and Overseas Territories);
- Context (e.g. any other agreements or instruments that are part of the same package and differences from precursor agreements);
- Provisional application;
- Provisions for withdrawal;
- Territorial application.

51. While mandatory headings will be needed, there is a risk that the production of EMs could turn into a box-ticking exercise. The quality of the information

23 See also Constitution Committee, *Parliamentary Scrutiny of Treaties* (20th Report, Session 2017–19, HL Paper 345), paras 117–123.

24 See Joint Committee on Human Rights, *Human Rights Protections in International Agreements* (Seventeenth Report, Session 2017–19, HC 1833, HL Paper 310) and *Human Rights Protections in International Agreements: Government Response to the Committee's Seventeenth Report of Session 2017–19* (Sixth Special Report, Session 2017–19, HC 2199).

provided by Government will be crucial, and it was notable that the Parliamentary Reports produced by DIT, to accompany the rolled over trade agreements, were particularly helpful, for instance in identifying the volumes of trade involved in a proposed agreement, and in explaining any significant differences between the new and precursor agreements.

52. Clauses 3 and 5 of the Trade Bill, currently before Parliament, make provision for similar parliamentary reports to be produced in respect of new free trade agreements. While the fate of the Trade Bill remains uncertain, we endorse this approach, though we are concerned that as things stand there will be no equivalent requirement in respect of non-trade agreements, some at least of which may be as complex and as controversial as trade agreements. We also trust that future parliamentary reports will incorporate the “full impact assessments” referred to in the DIT paper *Processes for making free trade agreements after the UK has left the EU*.²⁵
53. The Government should also provide transposition notes, to improve transparency and show how international agreements are to be implemented in domestic law and policy. At present, this is not always clear: for example, the EMs accompanying many of the continuity trade deals stated that the Government would implement parts of the agreements in Regulations made under the Taxation (Cross-Border Trade) Act 2018. But they did not say how the proposed agreements interacted with the provisions (and passage) of the Trade Bill. Going forward, committees will need greater clarity and certainty, so that Parliament can provide more joined-up scrutiny of the UK’s international obligations and its domestic law. Transposition notes would also help committees to identify any gaps in implementation early in the process.
54. In return, we understand from informal discussions with officials that the Government has found the provision of checklist criteria to be a useful aid to ensuring that appropriate information is supplied in its EMs. While the criteria set out at paragraph 15 will need to be adapted, we would encourage any successor committee undertaking this work to establish a similar checklist for Government departments to support the final, formal stage of parliamentary scrutiny. This would set out the criteria against which agreements would be assessed and, where necessary, reported to the House.
55. Finally, we note that formal scrutiny processes benefit from being supported by close informal dialogue. Officials in recent months have been receptive to feedback about the quality of EMs. They have also been willing to answer detailed questions about agreements, both at staff level meetings and in response to written queries. It has been particularly helpful for committee staff to have contact with (and access to) policy officials in the Government departments responsible for each treaty. All these examples of good practice should be facilitated in the future.
56. **After negotiations are complete, Parliament should be given the draft treaty text as soon as it is initialled (when political agreement is reached). The subsequent explanatory memorandum, supplied when the agreement is laid before Parliament in accordance with the terms**

25 Department for International Trade, *Processes for making free trade agreements after the UK has left the EU*, CP 63 (February 2019): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/782176/command-paper-scrutiny-transparency-27012019.pdf [accessed 7 June 2019]

of the CRAG Act, should include mandatory headings to facilitate effective scrutiny.

57. **While mandatory headings will be needed, the quality of the information and analysis provided by the Government will be still more important. We welcome the Department for International Trade's production of parliamentary reports on rollover trade agreements, and the provisions in the Trade Bill that would create a statutory obligation to produce such reports on future trade agreements. We note, however, that non-trade agreements may be as complex and controversial as trade agreements, and that the existing requirement under the CRAG Act to produce an EM on such agreements is unlikely to meet the requirements of detailed parliamentary scrutiny.**
58. **Any committee carrying out treaty scrutiny may wish to consider publishing clear criteria, on the basis of which it would assess and report on treaties prior to ratification.**
59. **Before a treaty is ratified, the Government should provide transposition notes showing how the obligations it imposes upon the UK will be implemented in domestic law and policy.**
60. **Finally, we note that formal processes are not the whole story. We have benefited from close informal dialogue between committee staff and officials. Such dialogue, based on trust and mutual respect, will be vital for any Treaties Committee, at both staff and Member levels.**

Implementation and beyond

61. The impact of international agreements does not necessarily end on signature. Agreements can have complex governance arrangements that allow for review, amendment and dispute resolution. Many agreements have developed dynamically, evolving over time. Parliament will have to take a view as to how it wishes to keep such issues under review after an agreement has been ratified by the parties.
62. In order to facilitate this, where Parliament has an ongoing interest in an agreement, the Government should report regularly on its implementation. This should include governance arrangements, decisions made by Joint Committees operating under the agreements, and any issues and decisions arising under dispute resolution provisions. In addition, for any agreements containing human rights protections, it is possible that the Joint Committee on Human Rights will wish to monitor compliance.²⁶
63. The information requirements listed at paragraph 50 should apply equally to subsequent legally binding protocols and amendments to agreements. Currently, it is not clear when amendments to agreements will engage the provisions of the CRAG Act, particularly where they are agreed by Joint Committees without the need for ratification.²⁷ It is also possible that some significant amendments may not need to be implemented in domestic legislation if the original implementing legislation is sufficiently widely drawn. This could lead to a scrutiny gap, unless relevant amendments are

26 Joint Committee on Human Rights, *Human Rights Protections in International Agreements* (Seventeenth Report, Session 2017–19, HC 1833, HL Paper 310)

27 See European Union Committee, *Scrutiny of international agreements: treaties considered on 12 March 2019* (33th Report, Session 2017–19, HL Paper 315), paras 19–20

notified to Parliament and potential issues are outlined clearly in the initial EM accompanying the agreement.

64. This issue has been acknowledged by the Government. In a letter to the European Union Committee about the UK-Iceland-Norway Agreement on Trade in Goods, the Minister of State for Trade Policy, George Hollingbery MP, noted that certain changes to that Agreement, made by a Joint Committee, would not be subject to the CRAG Act process. The letter stated that this would “streamline the process of making amendments for technical or administrative changes” to certain Annexes to the Agreement. The letter also indicated that the Government “remains committed to ensuring the right level of Parliamentary scrutiny” and that it is keen to engage with the Committee on finding an appropriate scrutiny process for amendments.²⁸
65. In our report, *Scrutiny of international agreements: treaties considered on 26 February 2019*, we made the following recommendation:
- “We call on Government to state clearly, in respect of all international agreements, the circumstances in which, where significant amendments are made, they should be subject to the scrutiny procedures required by the Constitutional Reform and Governance Act 2010. While there may be a case for some minor and proportionate divergence to be agreed between the parties, subject only to the passage of any necessary domestic legislation, in other cases Parliament may wish to ensure that any changes are made in a more transparent fashion, and subject to appropriate scrutiny.”²⁹
66. **We reiterate our earlier recommendation that the Government should state clearly, in respect of all international agreements, the circumstances in which, where significant amendments are made, they will be subject to the scrutiny procedures required by the Constitutional Reform and Governance Act 2010.**
67. **We note that any committee scrutinising treaties in future will have to agree with the Government how amendments should be notified to Parliament, and how they should be scrutinised. It may be that some form of sifting mechanism will be required to ensure that this task can be conducted in a proportionate way. The experience of the European Union Committee, in sifting European documents, may be a model worthy of some consideration.**
68. **To support appropriate scrutiny, the Government should report regularly to Parliament on changes in international agreements to which the UK is party, including matters such as decisions by Joint Committees operating under treaties and any cases referred for dispute resolution.**

28 Letter from George Hollingbery MP, Department for International Trade, to Lord Boswell of Aynho, 12 June 2019: <https://www.parliament.uk/documents/lords-committees/eu-select/scrutiny-brexite-related-treaties/george-hollingberry-letter-june2019.pdf> [accessed 20 June 2019]

29 European Union Committee, *Scrutiny of international agreements: treaties considered on 26 February 2019* (31st Report, Session 2017–19, HL Paper 300), para 13

Memoranda of understanding (MoUs) and other agreements not formally scrutinised by Parliament

69. As noted in Chapter 1, some types of agreement do not meet the definition of a treaty for the purpose the CRAG Act, but may nonetheless be of interest to Parliament.
70. In particular, there are non-legally binding political arrangements, commonly referred to as memoranda of understanding (MoUs). Calling an agreement an MoU does not, in and of itself, determine its status—unhelpfully, some treaties are also called MoUs. A true MoU is a political commitment, which can be distinguished from a treaty by the fact that it is not binding under international law. The distinction between an MoU and a treaty should be clear from the terminology used in the agreement, and some guidance has been published by the FCO.³⁰
71. During our scrutiny of Brexit-related agreements, two issues arose in respect of MoUs. The first was that some Air Services Agreements, which had been treaties between the EU and third countries, were converted into MoUs. These MoUs were never published, and although there is some precedent for Air Services Agreements to be concluded through confidential MoUs,³¹ we are concerned that this practice should not be used to circumvent proper scrutiny. Any future treaties committee may wish to consider whether it would be appropriate and proportionate to ask for details of, and perhaps even sight of the text of, proposed MoUs.
72. The second issue was that, in respect of the Economic Partnership Agreement between the UK and the CARIFORUM States ('the UK-CARIFORUM EPA'), the Government proposed using MoUs to achieve a form of provisional application in circumstances where there was not time for the parties to complete the domestic procedures necessary to ratify the proposed agreement.
73. In our report on the CARIFORUM Agreement, we acknowledged that this was a "pragmatic solution where there is insufficient time to bring a treaty into force".³² Nonetheless, it blurs the lines between a legally binding international agreement and a politically binding MoU, and raises concerns over the absence of scrutiny of MoUs. In some circumstances the distinction between legally binding agreements and political arrangements such as MoUs may be somewhat arbitrary: both may have the same policy implications and impact upon individual rights.
74. A final issue relates to the definition of a treaty, both under the Vienna Convention and the CRAG Act, which excludes agreements with entities that the UK does not recognise as a State. This arose in respect of the Agreement with the Palestine Liberation Organization on behalf of the Palestinian Authority.³³ We give credit to the Government for publishing

30 Foreign and Commonwealth Office, 'Treaties and memoranda of understanding (MoUs): guidance on practice and procedures' (updated March 2014): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/293976/Treaties_and_MoU_Guidance.pdf [accessed 17 June 2019]

31 See, for example, A Aust, *Modern Treaty Law and Practice*, 3rd Edition (Cambridge, 2013), p 42.

32 European Union Committee, *Scrutiny of international agreements: treaties considered on 30 April 2019* (38th Report, Session 2017–19, HL Paper 349), Box 1

33 See European Union Committee, *Scrutiny of international agreements: treaties considered on 19 March 2019* (34th Report, Session 2017–19, HL Paper 321)

this agreement and submitting it to scrutiny. However, this was entirely voluntary: the CRAG Act is clear that agreements with non-State entities are not considered to be treaties and are not subject to the limited scrutiny provided for by the Act. Given the number of disputed territories around the world this may be considered a lacuna in the CRAG Act process. Parliament may wish to seek formal undertakings from the Government that any such agreements will at least be published and scrutinised, even if they fall outside the terms of the CRAG Act.

75. **The Constitutional Reform and Governance Act 2010 only applies to international agreements between States or between States and international organisations which are binding under international law. This excludes scrutiny of political agreements (such as Memoranda of Understanding) and agreements with non-State entities. Any future Treaties Committee may wish to consider proportionate means to remedy the resulting scrutiny gap.**

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

1. The European Union Committee has reported on the Government's programme of continuity agreements within the timetable prescribed by the Constitutional Reform and Governance Act 2010, but this has come at a cost, reducing opportunities for consultation and collection of evidence, and limiting Member engagement. We therefore agree with the Constitution Committee that the CRAG Act is poorly designed to facilitate parliamentary scrutiny of treaties. (Paragraph 28)
2. It follows that the fact that we have met the CRAG Act timetables in reporting on the Government's programme of continuity agreements is unlikely to be a reliable guide to future scrutiny of treaties. Once the Government begins to negotiate and conclude new treaties, particularly trade agreements, detailed committee scrutiny within the timetable prescribed by the CRAG Act is unlikely to be possible. (Paragraph 29)
3. At the start of all treaty negotiations, the Government should provide Parliament and all relevant committees with specified high-level information. (Paragraph 34)
4. In respect of more significant treaties, particularly trade agreements and other large-scale agreements, a clear negotiating mandate will be required and should be published in draft. This will form the basis for committee engagement and consultation throughout the process. (Paragraph 35)
5. It is not Parliament's job to micro-manage, still less conduct, treaty negotiations. But nor is it sufficient for Parliament merely to provide accountability after the fact—as the experience of the last two years so strikingly demonstrates. During the negotiation of treaties in which Parliament has expressed a clear interest, it should be kept informed of major developments, at regular intervals, in an agreed manner. (Paragraph 45)
6. Treaty information provided to Parliament should generally be made public and exceptions to this must be specified and justified. The delineation between access and transparency will have to be agreed between Parliament and the Government. We accept that there may be limited occasions where access to confidential documents and briefings may usefully be provided to committees. But we agree with the Constitution Committee that there should be a presumption in favour of transparency during treaty negotiations. (Paragraph 46)
7. After negotiations are complete, Parliament should be given the draft treaty text as soon as it is initialled (when political agreement is reached). The subsequent Explanatory Memorandum, supplied when the agreement is laid before Parliament in accordance with the terms of the CRAG Act, should include mandatory headings to facilitate effective scrutiny. (Paragraph 56)
8. While mandatory headings will be needed, the quality of the information and analysis provided by the Government will be still more important. We welcome the Department for International Trade's production of parliamentary reports on rollover trade agreements, and the provisions in the Trade Bill that would create a statutory obligation to produce such reports on future trade agreements. We note, however, that non-trade agreements may be as complex and controversial as trade agreements, and that the existing requirement under the CRAG Act to produce an EM on such agreements

is unlikely to meet the requirements of detailed parliamentary scrutiny. (Paragraph 57)

9. Any committee carrying out treaty scrutiny may wish to consider publishing clear criteria, on the basis of which it would assess and report on treaties prior to ratification. (Paragraph 58)
10. Before a treaty is ratified, the Government should provide transposition notes showing how the obligations it imposes upon the UK will be implemented in domestic law and policy. (Paragraph 59)
11. Finally, we note that formal processes are not the whole story. We have benefited from close informal dialogue between committee staff and officials. Such dialogue, based on trust and mutual respect, will be vital for any Treaties Committee, at both staff and Member levels. (Paragraph 60)
12. We reiterate our earlier recommendation that the Government should state clearly, in respect of all international agreements, the circumstances in which, where significant amendments are made, they will be subject to the scrutiny procedures required by the Constitutional Reform and Governance Act 2010. (Paragraph 66)
13. We note that any committee scrutinising treaties in future will have to agree with the Government how amendments should be notified to Parliament, and how they should be scrutinised. It may be that some form of sifting mechanism will be required to ensure that this task can be conducted in a proportionate way. The experience of the European Union Committee, in sifting European documents, may be a model worthy of some consideration. (Paragraph 67)
14. To support appropriate scrutiny, the Government should report regularly to Parliament on changes in international agreements to which the UK is party, including matters such as decisions by Joint Committees operating under treaties and any cases referred for dispute resolution. (Paragraph 68)
15. The Constitutional Reform and Governance Act 2010 only applies to international agreements between States or between States and international organisations which are binding under international law. This excludes scrutiny of political agreements (such as Memoranda of Understanding) and agreements with non-State entities. Any future Treaties Committee may wish to consider proportionate means to remedy the resulting scrutiny gap. (Paragraph 75)

APPENDIX 1: LIST OF MEMBERS AND DECLARATIONS OF INTEREST

Members of the European Union Select Committee

Baroness Armstrong of Hill Top
 Lord Boswell of Aynho (Chair)
 Baroness Brown of Cambridge
 Lord Cromwell
 Baroness Falkner of Margravine
 Lord Jay of Ewelme
 Baroness Kennedy of The Shaws
 The Earl of Kinnoull
 Lord Liddle
 The Earl of Lindsay
 Baroness Neville-Rolfe
 Baroness Noakes
 Lord Polak
 Lord Ricketts
 Lord Soley
 Baroness Suttie
 Lord Teverson
 Baroness Verma
 Lord Whitty

Declarations of interest

Baroness Armstrong of Hill Top
Joint owner of a property in Spain

Lord Boswell of Aynho (Chair)
In receipt of salary as Principal Deputy Chairman of Committees, House of Lords
Shareholdings as set out in the Register of Lords' Interests
Income is received as a Partner (with wife) from land and family farming business trading as EN & TE Boswell at Lower Aynho Grounds, Banbury, with separate rentals from cottage and grazing
Land at Great Leighs, Essex (one-eighth holding, with balance held by family interests), from which rental income is received
House in Banbury owned jointly with wife, from which rental income is received
Lower Aynho Grounds Farm, Northants/Oxon; this property is owned personally by the Member and not the Partnership

Baroness Brown of Cambridge
Vice Chair of the Committee on Climate Change
Chair of the Adaptation Sub-Committee of the Committee on Climate Change
Chair of the Henry Royce Institute for Advanced Materials
Chair of STEM Learning Ltd
Non-Executive Director of the Offshore Renewable Energy Catapult
Chair of The Carbon Trust
Council member of Innovate UK

Lord Cromwell

Employment, partnership, business interests and shareholdings as set out in the Register of Lords' interests

Patron of Wildlife Vets International;

Partner (not Head of Holding) in a farming partnership in Leicestershire (including organic farming)

Baroness Falkner of Margravine

Member, British Steering Committee: Koenigswinter, The British-German Conference

Member, Advisory Board, Demos

Lord Jay of Ewelme

Trustee (Non-Executive Director), Thomson Reuters Founders Share Company

Vice Chairman, European Policy Forum Advisory Council

Member, Senior European Experts Group

Trustee, Magdalen College, Oxford Development Trust

Baroness Kennedy of The Shaws

President, Justice, UK arm of International Commission of Jurists

Chancellor, Sheffield Hallam University

The Earl of Kinnoull

Farming interests as principal and as charitable trustee, in receipt of agricultural subsidy

Chairman, Culture Perth and Kinross, in receipt of governmental subsidy

Chairman, United Kingdom Squirrel Accord, in receipt of governmental monies

Director, Horsecross Arts, in receipt of governmental subsidy

Shareholdings as set out in the register

Lord Liddle

Member, Cumbria County Council

Pro-Chancellor (Chair of Board), Lancaster University

Co-Chair, Policy Network

The Earl of Lindsay

Chairman, United Kingdom Accreditation Service (UKAS)

Chairman, BPI Pension Trustees Limited

Farmer, in receipt of CAP support

Baroness Neville-Rolfe

Former Commercial Secretary, HM Treasury

Former Minister of State for Energy and Intellectual Property

Chair, Assured Food Standards Ltd

Non-Executive Director, Capita Plc

Non-Executive Director, Secure Trust Bank

Governor, London Business School

Shareholdings as set out in the register

Trustee (Non-Executive Director), Thomson Reuters Founders Share Company

Baroness Noakes

Director, Royal Bank of Scotland Group plc

Interests in a wide range of listed companies as disclosed in the Register of Interests

Lord Polak

Employment and business as set out in the Register of Lords' interests

Lord Ricketts

Non-Executive Director, Group Engie, France
Strategic Adviser, Lockheed Martin UK
Charitable activities as set out in the Register of Interests

Lord Soley

Member: International Institute for Strategic Studies, Royal College of Defence Studies, Chatham House

Baroness Suttie

Associate with Global Partners Governance Limited
Trustee, Institute for Public Policy Research (IPPR)

Lord Teverson

Trustee, Regen SW
In receipt of a pension from the European Parliament

Baroness Verma

No relevant interests declared

Lord Whitty

Vice President, Chartered Trading Standards Institute
Chair, Road Safety Foundation
Vice President, Local Government Association
President, Environmental Protection UK
Member, GMB
Vice President, British Airline Pilots Association

Dr Holger Hestermeyer, Shell Reader in International Dispute Resolution at King's College London, is acting as Specialist Adviser supporting the Committee's scrutiny of international agreements, and has declared no relevant interests.

A full list of Members' interests can be found in the Register of Lords' Interests: <http://www.parliament.uk/mps-lords-and-offices/standards-and-financial-interests/house-of-lords-commissioner-for-standards-/register-of-lords-interests/>

APPENDIX 2: LIST OF WITNESSES

On 14 May 2019 the Committee held a private roundtable seminar. The participants were (in alphabetical order):

- Jill Barrett, Visiting Reader in Public International Law, Queen Mary University of London
- Julia Crouch, Deputy Director, Foreign and Commonwealth Office
- Matthew Davies, Deputy Director, Department for International Trade
- Holger Hestermeyer, Shell Reader in International Dispute Resolution at King's College London and Senior Research Fellow at the Transnational Law Institute
- Eleanor Hourigan, Legal Adviser to the Joint Committee on Human Rights
- Matt Korris, Clerk to the House of Lords Constitution Committee