TRADE JUSTICE MOVEMENT

MAKE WORLD TRADE WORK FOR PEOPLE AND THE PLANET

UK trade policy: why good scrutiny matters

May 2023

Written by Leo Verity

Contents

Executive summary

The UK is now several years into the establishment of its post-Brexit independent trade policy, and the first wholly new post-Brexit trade agreements with Australia and New Zealand have been ratified and came into force on 31st May 2023. They have been a crucial test of the democratic processes by which Free Trade Agreements (FTAs) are negotiated and ratified, made all the more important by the fact that the UK is also engaged in a raft of other trade negotiations around the world.

What the negotiation and ratification of these agreements have made clear, however, is that the UK's trade scrutiny processes are not inclusive, transparent or democratic, and as such are unfit for purpose. Parliament, the devolved administrations, civil society and the public are marginalised and excluded throughout the development of new trade agreements. In Parliament, the Government has been accused of setting an "outrageous precedent" and of "disrespect" by the International Trade Committee, the body that was then responsible for scrutinising UK trade, throughout the ratification of the UK-Australia FTA. Pledges to deliver opportunities to meaningfully engage with the development of new FTAs have simply not been met. Worse, the International Trade Committee has since been abolished, deepening concerns about the mechanisms by which trade policy and trade agreements are scrutinised. Outside of Parliament, processes by which civil society groups, including trade unions, and the devolved administrations are engaged in the negotiation and ratification of these agreements has been the subject of criticism, frustration, and demands for change.

Modern trade agreements reach into myriad areas of public policy. They affect regions and sectors all across the UK, and impact upon our everyday lives through their interaction with climate policy, consumer and workers' rights, agriculture, healthcare provision, public services, international development, and much else besides. There are questions of regulatory standards, of environmental impacts, and of divergent impacts across different sectors of society both here and around the world, the implications of which are currently often opaque and poorly understood. Given the diversity of the UK's proposed trading partners and the breadth of domestic and international policy areas these trade agreements will affect, it is imperative that they are negotiated, scrutinised and ratified democratically. To make that happen, reform is urgently needed.

This report details the democratic deficit in the existing UK mechanisms for trade negotiation and ratification, and the limited opportunities that exist for Parliament, civil society, the devolved administrations and the public to engage in UK trade policy. It calls for a democratic and transparent procedure for the negotiation and ratification of trade agreements. It argues improvement in these processes would result in better outcomes in trade policy, helping to build expertise, ensure widespread consent, and better understand the wide-reaching implications of trade agreements. The concerns that this report seeks to address are that:

- **The UK's trade policy is not underpinned by a comprehensive trade strategy.** A plan that sets out how trade should interact with key policy areas such as its climate ambitions, human rights, and standards should be published. This would provide a framework against which UK trade policy could be judged.
- **The UK's trade negotiations are opaque and undemocratic.** Parliament, the devolved nations, civil society and the public should have the opportunity to debate and meaningfully input into both proposed negotiating objectives and trade negotiations as they progress. New trade agreements should be developed under principles of transparency and inclusivity.

- **We are denied a final say on new trade agreements.** Parliament and the devolved nations should be empowered to scrutinise and amend, and approve or reject, trade agreements, as well as preserve the right to review and withdraw from trade agreements in a timely manner.

- **The implementation of trade agreements must be thoroughly monitored.** Detailed information on the impact of new trade agreements on all regions and sectors should be shared so that the public understand the effects of trade policy, including the economic, social and environmental implications here and abroad.

Urgent reform to the UK's trade scrutiny processes is needed. The UK's trade scrutiny processes should be overhauled to make sure they are open, inclusive and transparent.

List of acronyms

BEIS	Business, Energy and Industrial Strategy
BTC	Business and Trade Committee
CETA	Comprehensive Economic Trade Agreement
CPTPP	Comprehensive and Progressive Agreement for Trans-Pacific Partnership
CRaG	Constitutional Reform and Governance Act
DBT	Department for Business and Trade
DIT	Department for International Trade
EU	European Union
FTA	Free Trade Agreement
GCC	Gulf Cooperation Council
IA	Impact Assessment
IAC	International Agreements Committee
ISC	Intelligence and Security Committee
ISDS	Investor-State Dispute Settlement
ITC	International Trade Committee
MEPs	Members of the EU Parliament
MPs	Member of Parliament
NDA	Non-Disclosure Agreements
NGOs	Non-Governmental Organisations
RPC	Regulatory Policy Committee
STAG	Strategic Trade Advisory Group
TAC	Trade and Agriculture Commission
TAG	Trade Advisory Groups
TJM	Trade Justice Movement
TPA	Trade Promotion Authority
TWG	Thematic Working Groups
UK	United Kingdom
US	United States
WTO	World Trade Organisation

Introduction

The negotiation of new trade agreements has, since the UK's departure from the European Union (EU), been a major priority of the UK Government. At the 2019 General Election, the Conservative Party's manifesto included a commitment to secure free trade agreements (FTAs) with countries covering 80% of UK trade within three years.[1] At the time of writing, 'from-scratch' agreements have been signed with Australia and New Zealand, and negotiations have been concluded over accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). Negotiations have also either been proposed or are currently ongoing with partners including India, the Gulf Cooperation Council (GCC), Canada, Mexico, Israel, Singapore and Switzerland.

Modern trade agreements affect huge swathes of everyday life, including consumer and workers' rights, environmental legislation, food standards, health, public services and international development. Given the diversity of proposed trading partners and the breadth of domestic and international policy areas these trade agreements will impact upon, it is crucial that they are developed democratically. Transparent and inclusive processes are imperative, and the mechanisms by which trade negotiations can be participated in and scrutinised by both Parliament and the public must be comprehensive and robust.

However, at present, this is simply not the case. The Government has never adopted a trade strategy against which its FTA negotiations can be judged. Our current treaty scrutiny system - as outlined in the Constitutional Reform and Governance (CRaG) Act - is inadequate, and has been criticised as such by five Parliamentary committees.[2] CRaG establishes no right to parliamentary oversight of or contribution to the development of the Government's negotiating objectives, no guaranteed affirmative vote for parliamentarians on any trade agreements (either on the negotiating mandate or on the final agreement) and no right to see texts or otherwise be meaningfully engaged during negotiations. Similarly, the public is given an extremely limited role in UK trade negotiations; there are minimal mechanisms via which civil society or individuals can meaningfully contribute to the setting of negotiating objectives or trade negotiations as they progress, or indeed to reject agreements brought back by Government, despite the raft of ways in which such agreements affect people in every region and every sector.

Given the many trade agreements that are due to come before Parliament in the coming months and years, reform is urgently needed. This report seeks to set out the shortcomings of the UK's trade scrutiny processes and the changes that are required to make them genuinely democratic.

The absence of a trade strategy

The limitations of the UK's parliamentary processes for scrutiny of trade agreements and other international treaties are well documented. Exacerbating this is the absence of a trade strategy, which means that there is little meaningful benchmark against which new free trade agreements can be assessed. Parliament and civil society have repeatedly urged the Government to produce an overarching strategy for trade and investment. [3] This would ensure the Government had given proper consideration to the significant ways in which trade impacts on other policy areas, such as climate change and human rights, where it has domestic and international commitments. It would also allow Parliament and civil society to hold the Government to account in respect of its delivery against the strategy, and to understand the framework underpinning negotiations being entered into.

The Government has not to date published such a strategy. Its official position as expressed to the International Trade Committee (ITC) is that it has a strategy contained across a range of documents, such as the "Outcome Delivery Plan" of the Department for International Trade (DIT), the forerunner department to the Department for Business and Trade (DBT)[4], or in strategic case documents for individual FTAs.[5] However, this plainly does not represent a single, coherent strategy; individual case documents for new FTAs do not adequately explain the Department's ambitions and how they fit across concurrent negotiations, and the Outcome Delivery Plan sets out topline ambitions and departmental ways of working, with minimal detail on the content of trade negotiations. Though the Department produces scoping assessments ahead of new FTA negotiations, these have included limited analysis of the likely social and environmental impacts of any prospective agreement, and do not establish firm negotiating objectives beyond the top line.[6]

The International Agreements Committee (IAC), the House of Lords Committee scrutinising new international treaties agreed by the Government, has posed a list of questions which ought to be answered in full in a strategy developed by the Department for Business and Trade. These questions include how DBT will seek to ensure trade policy is aligned with labour and environmental standards through trade negotiations, what the Government's position is on World Trade Organisation (WTO) reform, and whether negotiators will prioritise the inclusion of mechanisms such as investor-state dispute settlement (ISDS).[7] Each of these questions have major implications for worker's rights, climate policy, domestic procurement rules and much else, but at present, it is unclear what protections the Government is pursuing in these key areas when undertaking negotiations.

The absence of clarity over these questions has led to confusion over the Government's approach across various policy areas. As an example, there have been frequent inconsistencies in their stated approach to trade negotiations and human rights. The former Secretary of State for International Trade, Anne-Marie Trevelyan, stated in 2021 that "more trade will not come at the expense of human rights"[8], whilst in the same year, the then Secretary of State for the Foreign & Commonwealth Office Dominic Raab asserted that "we shouldn't be engaged in free trade negotiations with countries abusing human rights."[9] In contrast, in December 2022, Minister Lord Johnson of Lainston told the House that the Government "do not necessarily believe that FTAs and trade agreements are the best mechanism for aligning our values on human rights"[10], and in written parliamentary questions, ministers have stated that advocacy regarding human rights in countries with whom we are conducting trade negotiations is "undertaken separately" to those negotiations.[11]

This ambiguity, clearly, is problematic. The Joint Committee on Human Rights recommended in 2019 that there is "a strong case for requiring minimum standard processes, practices and clauses to protect and promote human rights in all international agreements"[12], but without setting out at least these minimum standards, there is no guarantee that new agreements will uphold standards in both the UK and partner countries, and no framework against which negotiated agreements can be judged. Establishing a trade strategy would resolve this and questions like it across the raft of policy areas that trade agreements intersect with and provide a basis for scrutiny.

Parliamentary processes

Before negotiations

In addition to the absence of a strategy, Parliament has no formal powers to scrutinise the Government's negotiating objectives for any individual negotiation, nor even the right to be alerted that any given set of negotiations are being entered into. The firmest recent commitment the Government has made on this issue was contained in an exchange of letters with the IAC, in which they stated that "should the IAC, or the ITC publish a report on those objectives, the Government will gladly consider that report and, should it be requested, facilitate a debate on the objectives, subject to the parliamentary time available."[13] However, instances of this have been limited, and where debates on objectives have taken place, such as upon the publication of the negotiating objectives for a FTA with the US, they have not provided an opportunity for Parliament to amend proposed objectives, but rather to discuss final, established ones.[14] In reality, this provides no power to shape the mandate of any given negotiation. To compound this, the objectives being discussed during the debate on UK-US negotiations were thin, reducing broad policy areas to a few bullet points.[15] Indeed, the ITC has said that "Parliament has not been 'consulted' before or during FTA negotiations—rather, Parliament has merely been informed of decisions and outcomes after the fact." There is no indication that Parliament has been able to influence the negotiating objectives of any agreement or prospective agreement to date.[16]

Granting Parliament and the public greater influence in developing a negotiating mandate would be a substantive means of strengthening negotiators' position during trade negotiations. If the negotiating mandate has been carefully developed in consultation with the public and in partnership with legislators, negotiators can draw on this to steer negotiations. By closing down any suggestion that improvements are needed, the Government has forgone leverage it could have otherwise taken into negotiations. The US Congress provides an invaluable case in point; through the Trade Promotion Authority (TPA), the legislative branch sets the negotiating mandate that the executive can follow during negotiations, meaning that US negotiators are strengthened in areas where concessions have already been precluded by Congress.[17] This model provides negotiators with a means of establishing credible red lines. Former Environment Secretary George Eustice MP made the same point while decrying the UK-Australia Free Trade Agreement in a debate during the CRaG period for the UK-New Zealand FTA. In his experience of negotiating with Japan, he said Japanese negotiators had used "their parliamentary processes to their advantage" with them citing "parliamentary motions [they] cannot breach" as a means of protecting their domestic interests. Meanwhile, Eustice suggested that if partners believe that department officials "call the shots" in negotiations, the UK will "not be in a strong position, and our negotiating position will be undermined."[18] There are clear, practical benefits to democratising the process of establishing negotiating objectives, and it is in the UK's interests for Parliament to be at the heart of this process.

During negotiations

During negotiations, the information available to Parliament regarding the progress of negotiations is minimal. There is no statutory right for parliamentarians to access negotiating texts or related documents, and though ministers and department officials do brief relevant committees, there is no fixed frequency with which this should happen, or obligation regarding the depth of information shared. The Government's stated rationale for its limited information sharing is that "some information is too sensitive to put into the public domain."[19] However this does not stand up to scrutiny; most of the information contained within trade negotiations is unlikely to be relevant to national security. A precedent does exist, for example, for the restriction of information sharing with the Intelligence and Security Committee (ISC) where the information is deemed by the Secretary of State to be too sensitive

to share[20], but it is highly unlikely that anything in any trade negotiations would have the same kind of national security implications as information requested by the ISC. Comparable countries, particularly the EU and the US, publish much more information than the UK during the negotiation processes, as discussed later in this briefing.

The Government has pledged to the IAC that it would "undertak[e] close engagement with the relevant Select Committees, including providing oral and written evidence in public and private" as negotiations progress.[21] However, the ITC has stated that this has not been the case. Indeed, they have claimed that "the updates we have received were not always as detailed as those published by countries with which the Government was negotiating."[22] There is, therefore, highly limited scope for Parliament to feed into active trade negotiations.

Post-signature scrutiny and CRaG

The period in which Parliament has the most opportunity to assess new trade agreements, in theory at least, is after negotiations are complete. The FTA text is shared alongside explanatory materials, and the Trade and Agriculture Commission (TAC) is commissioned to consider whether measures in the agreement are consistent with the maintenance of UK levels of statutory protection in relation to animal or plant life, animal welfare and environmental protections.[23] Though such additional scrutiny is welcome, there remain concerns about the resources available to the TAC[24] and the narrow remit of its inquiries. The Government also publishes impact assessments (IAs) setting out the projected economic outcomes from the FTA, though there have been imperfections with these processes to date: the Regulatory Policy Committee (RPC) was forced to rank the Department's initial impact assessment for UK-Australia, for example, as "not fit for purpose", owing to the fact that it "disproportionately emphasised the beneficial impacts with very limited discussion of the risks, disadvantageous impacts, and potential mitigations."[25] The Department's reviewed IA was subsequently accepted by the RPC.

Before a new trade agreement can be ratified, a copy must be laid before Parliament for 21 sitting days under CRaG. This allows MPs and peers to see and to consider what has been negotiated, and, in theory, for MPs to pass a resolution against it. However, the procedures by which Parliament could achieve this are not clear, as to date there has not been a debate on a substantive motion regarding any new FTA during the CRaG period, and there is no established mechanism by which Parliament can secure one. Such a debate would give parliamentarians the opportunity for a vote, but there has been little indication that it will be a priority to ensure that parliamentary time is made available for this for future FTAs. Nothing in CRaG guarantees even a general debate on a trade agreement. It is important to note also that a resolution against ratification among MPs delays ratification for a further 21-days rather than explicitly rejecting the treaty, though in theory this could be used to delay ratification indefinitely. The House of Lords has no such power.

CRaG sets out such a limited role for Parliament because it does little more than place the Ponsonby Rule, a convention dating back to 1924, on a statutory footing. The Ponsonby Rule was designed for treaties which are very different from modern trade agreements; namely, confidential defence treaties made by the Government.[26] Ponsonby, and by extension CRaG, set out the requirement and the right of the executive to begin and conduct negotiations, and sign agreements, without Parliament's oversight or consent. It also set out the requirement for the Government to lay signed treaties before Parliament for 21 sitting days without a mechanism to guarantee a debate or vote, and without any assessment of whether 21 sitting days is adequate to assess the long and dense reams of legal text that constitute modern trade agreements.

The Lords EU Committee has described this position as being one of Parliament having "no effective veto power to prevent the Government from ratifying agreements that it does not feel are in the national interest."[27] Given the significant changes we have seen in recent years to the scope of trade agreements, from covering little more than tariff reduction to affecting a raft of domestic policy areas, it is clear that this process is now unfit for purpose. Parliament should have a meaningful say on the trade agreements that are brought back, rather than them being subject to this negative procedure under which agreements can be said to have gained Parliament's consent after 21 sitting days in which Parliament may not have so much as debated the agreement.

Implementing legislation

The ratification process does not end with the conclusion of the CRaG period, however. As international treaties do not automatically change UK law, trade agreements often require primary and secondary implementing legislation to be passed by Parliament to bring them into effect. The passage of such legislation can exacerbate the democratic deficit that already exists in post-signature scrutiny in several ways: this legislation will often take the form of secondary legislation brought in under the negative procedure, meaning that it will pass in the absence of proactive opposition; there is no clarity over the chronology of the introduction of such legislation and the CRaG period being triggered, meaning that in the case of primary implementing legislation, Parliament can be asked to debate and pass legislation required for the implementation of FTAs to which it has not consented; and implementing legislation can constrain Parliament's freedom to legislate in the future if doing so would contradict its international commitments.[28] All of these factors ensure that the scrutiny deficit that already exists around these trade agreements can be compounded by the legislation brought in to implement them. The passage of the Trade (Australia and New Zealand) Act, the only primary legislation necessary for the implementation of the UK-Australia and UK-New Zealand FTAs (providing for the implementation of the procurement chapters of the two agreements) is discussed later in this briefing, but it well illustrates some of these concerns. For example, this Act did not enact any of the required legislative changes itself, but instead delegated further legislative powers to Government, and ensured that Parliament was legislating on two agreements at the same time, one of which had not received parliamentary consent.

Civil society, the public, and the devolved administrations

It is not just Parliament that is given a highly limited role in trade scrutiny. Civil society, the devolved administrations and the public are similarly excluded from large swathes of UK trade negotiations. Where engagement does exist, it is limited in its scope.

For new FTAs which the Government has sought, public consultations have been launched in the months prior to the start of negotiations. These consultations are online only, are not widely publicised and the content of the consultations has often contained few questions about significant and contentious social and environmental policy impacts.[29] In addition, the mechanisms by which these responses are analysed or incorporated into policy decisions are unclear. Though the scoping assessments produced by the Department for each FTA give a summary of the responses received through the public consultations, there is minimal explanation of how they will be prioritised and acted upon. The IAC's recent letter to the Government calls for a trade strategy which sets out "who, and how, [the Department] will consult prior to setting negotiating mandates, and during talks"[30], and this must include clarity about the ways in which external stakeholder views are taken into account.

The DIT established a series of civil society groups, including the Strategic Trade Advisory Group (STAG), Trade Advisory Groups (TAG) and Thematic Working Groups (TWG). However, across these groups, there are significant questions about how organisations are selected, the usefulness of the information shared, how input from civil society informs policy-making, the frequency with which meetings are held, and the use of personal non-disclosure agreements (NDA) which prevent those who do take part from sharing any information, even within their own organisations. The STAG is intended to have strategic oversight and is constituted of senior representatives and meets with a minister, though at the time of writing, has not met for almost a year.[31] There are eleven TAGs focusing on specific negotiating areas, including for example agri-food, transport and financial services; membership of the TAGs is drawn exclusively from business, despite requests from civil society organisations to participate. There are just two TWGs, meanwhile, focusing on international development and environmental sustainability. These arrangements ensure that overarching questions about the social and environmental impact of FTAs are considered in isolation from the enforceable content of the agreements.

The Trade Justice Movement (TJM) is a case in point. Despite our work in a range of trade policy areas, TJM only has membership of one TWG, and this comes with a lack of transparency about some of the above process questions, as well as how these groups complement the STAG, and about their place in the Government's wider policy-making process. Meeting agendas are often circulated at short notice, precluding any possibility of broader consultation for input into the meeting. It is also not always obvious that the information shared justifies the stringent NDAs that are required to participate.

Civil society engagement in trade negotiations can be an asset, and should be seen as such; it can strengthen the UK's hand in trade negotiations if its calls are rigorously backed up by civil society, who bring expertise across policy areas, and by a mechanism that ensures the Government have an obligation to engage with the recommendations of these expert voices. As with Parliament's lack of access to influence negotiating objectives, the Government here misses an opportunity to take established 'red lines', set out through meaningful civil society consultation, into negotiations.

In addition to civil society exclusion from these processes, there is also clear evidence that the awareness of the wider public of trade negotiations is minimal. Research by Which? In 2021 showed that 67% of respondents felt that the Government provided 'too little' information about new trade negotiations, and 72% were unable to correctly identify the status of UK-USA negotiations, which had by far the most media prominence at the time at which the survey was undertaken.[32] This is alarming given how broad the agreement was likely to be. This is not helped by the fact that public statements made

during recent trade negotiations have been extremely opaque. During its negotiations with India, for example, the DIT has published 'Joint Outcome Statements' at the conclusion of every negotiating round. However, information shared has been highly limited. With the exception of the update after the first negotiating round, others did not even share details of what policy areas were discussed and were little more than 100 words in length.[33]

Finally, there are also major omissions regarding engagement with the devolved administrations, who have only a limited role for scrutiny of trade agreements. While trade policy itself is a reserved issue, many areas of policy that trade agreements may impact on are devolved, including health, environment, food, farming, public procurement and the provision of public services. The Scottish Government has made the case for greater involvement of the Scottish, Welsh and Northern Irish assemblies in trade policy formulation and trade negotiations; in 2018, when these processes were being established, they set out the argument that greater involvement of the devolved nations would help to ensure "a negotiation mandate based on a proper understanding of domestic issues; that negotiations are more transparent; that decisions are taken closer to the people affected and reflect their interests; and that any problematic issues are surfaced and dealt with quickly."[34] Despite this, the Scottish Government has since been forced to state that "the UK Government has offered little meaningful involvement in the development of trade agreements, a position which is increasingly untenable"[35], while in response to the UK-Australia FTA, despite describing engagement on devolved matters as "largely positive", the Welsh Government expressed their disappointment that "information sharing relating to areas viewed as 'reserved' by the UK Government, such as market access, was restricted, despite these areas often having a disproportionate impact on Welsh producers." [36]

There are a number of well-established proposals that could strengthen the place of devolved governments in UK trade negotiations. As with the UK Parliament, this strengthening of rights should cover all stages of negotiations, including a fixed right for the devolved administrations to input into the mandate-setting stage, direct participation in negotiating rounds, and ultimately, the requirement for the devolved administrations to give their consent to a final trade agreement, based on any impacts it may have on their powers and territories, before that trade agreement is implemented. Ministers in devolved administrations have set out that would not be a right of veto, but rather a means of ensuring that the interests of devolved nations are comprehensively taken into account.[37]

Case study: Australia and New Zealand ratification

The inadequacy of the UK's trade scrutiny system was vividly exposed during the ratification of the UK's first 'from scratch' post-Brexit FTAs with Australia and New Zealand throughout 2022 and 2023, and particularly in the case of UK-Australia. The UK-Australia FTA, signed in December 2021, was laid before Parliament on June 15th 2022[40] with little to no advance notice for relevant committees, Parliament or civil society, and without any explanation as to why this date was chosen. It was especially unclear why the Government felt the need to commence this ratification process in the UK so abruptly when the Australian parliamentary timetable ensured that they wouldn't complete their equivalent procedure until late 2022 at the earliest. The selection of this date ensured that the statutory 21 sitting day period for which treaties must be laid would conclude on the final sitting week before summer recess.

In addition, this showed contempt for the ITC's frequent requests that the Government allow 15 sitting days between the publication of their final Section 42 Report on the Trade Agreement (the Government's formal response to the TAC's report) and the commencement of the CRaG period to produce their own report.[41] In doing so, the Secretary of State was accused of disrespecting Parliament.[42] On 29th June 2022, already nine days into the CRaG period, the Secretary of State cancelled a scheduled evidence session in front of the Committee at short notice[43], further depriving the Committee of time to complete their report, having already failed to meet with the Committee on seven separate previous occasions to which she had been invited.[44]

The ITC subsequently called for the Government to urgently extend the 21-day CRaG period so that they could conclude their report, and so that parliamentarians had sufficient time to properly

Picture by Andrew Parsons / No 10 Downing Street

Prime Minister Boris Johnson and Australia's Prime Minister Scott Morrison pose for a photograph with a hamper full of Australian and British goods in the garden of 10 Downing Street (2021).

scrutinise the FTA.[45] At the very least, they called on the Government to ensure that they schedule time for MPs to debate the Agreement within the CRaG period. Neither request was granted. Conservative MP and ITC member Anthony Mangnall was able to secure an Urgent Question on UK-Australia scrutiny on the penultimate day of the CRaG period, during which MPs from all parties expressed their frustration at the way in which the process had been handled, but this was the only opportunity MPs had to discuss this landmark, wide-reaching FTA, which received Parliament's consent with no vote and minimal debate.[46]

The final stage of the ratification process for any FTA is the passage of legislation necessary to implement parts of the agreement, and for UK-Australia, the only primary legislation required for this was the Trade (Australia and New Zealand) Act, which provides for the implementation of the procurement chapter.[47] While being questioned on the failures of the UK-Australia scrutiny process by the ITC in a rescheduled evidence session on

Continued...

July 6th 2022, the Secretary of State said that the passage of this implementing legislation would be an "opportunity to look into the UK-Australia FTA in detail."[48] This was inaccurate: parliamentarians were only able to debate implementing legislation that was narrowly-focused on procurement, rather than the detail of the agreement. Additionally, because this debate took place after the conclusion of the CRaG period, there was no opportunity for parliamentarians to object to the agreement or push for amendments based on "constituency or sectoral interests" relating to the UK-Australia FTA as a whole as the Secretary of State had suggested. This was no substitute for a substantive debate on the Agreement.

It is worth noting briefly that this Act in itself exacerbated the wider scrutiny deficit. Regulations made under it by statutory instrument (SI) are subject to the negative procedure (they pass unless MPs raise objections), as the majority of SIs are. Scrutiny procedures for SIs are weak, facing "no realistic prospect of defeat within Parliament" given how unlikely it is that Government time would ever be allocated to debate them.[49] The regulation-making powers in the Act are no exception and provide powers to make amendments to existing procurement legislation without debate.[50] It is likely that other, future such agreements will be brought in line with domestic law via SIs, creating further layers of 'negative' consent to the ratification of trade agreements.

Consent was sought for the Act by the UK Government from devolved administrations because the legislation centres on an issue falling within the devolved competencies of the two governments: procurement. Then Scottish Trade Minister Ivan McKee described the powers under the Bill as being "drafted too broadly and, of greater concern, exercisable concurrently by both UK and Scottish Ministers", so that UK ministers would be able to legislate without the consent of Scottish ministers, while the Welsh Minister for Economy expressed concern that the use of such concurrent powers would "risk setting a precedent for future legislation and for trade agreements."[51] Both Holyrood[52] and the Senedd[53] withheld their consent, but this did not prevent the progression of the Bill or ratification of the FTA.

In contrast to the UK-Australia FTA, the UK-New Zealand Agreement wasn't laid under CRaG until November 2022, after the Trade (Australia and New Zealand) Bill had already passed Committee Stage in the Commons, meaning that Parliament had been debating legislation implementing an agreement it hadn't given its consent to. Parliament was granted a debate on the UK-New Zealand FTA during its CRaG period, but not on a substantive motion, and in a joint debate titled 'Australia and New Zealand trade agreements', undermining the significance of it being the UK-New Zealand Agreement laid before the House under CRaG.[54]

The failures in the scrutiny process for the Australia and New Zealand agreements extended to civil society engagement. Communication of the details of negotiations was poor. Throughout the process, stakeholders reported that it was easier to access information from the Australian government's website than from the UK's, and most stakeholders and parliamentarians were also only able to review the details of the deal after it had already been signed.[55] A group of organisations, including WWF, Green Alliance, Greenpeace, Compassion in World Farming, Sustain, TJM, Soil Association and Tenant Farmers' Association, commenced a legal challenge on the basis that the lack of adequate consultation risks breaching the UK's international obligations under the Aarhus Convention, which is supposed to ensure public participation in legislation that has environmental impacts.[56] Whilst the case is still pending, the Convention Secretariat has confirmed that the case is 'in scope', meaning that there is a case to answer.

Scrutiny of the implementation

In the coming months and years, it will be crucial that the impact of these new trade agreements is effectively monitored, with a meaningful role for Parliament and the public, to see how they compare with the Government's initial projections. In the absence of an overarching trade strategy, the Government's commitments to ex-post analysis of FTAs has come in documents relating to individual sets of trade negotiations. DBT has committed to "publish a monitoring report approximately two years after entry into force and every two years thereafter", and a "comprehensive ex-post evaluation for the agreement within 5 years of its entry into force" which will "synthesise findings from monitoring, evaluation, and stakeholder engagement activities to assess the impact of the agreement" for each of the UK-Japan, UK-Australia and UK-New Zealand FTAs, and we anticipate the same approach for CPTPP. [38]

In each case, it remains to be seen whether these analyses will be adequate. It is imperative that monitoring reports are comprehensive, transparent and invite stakeholder responses and parliamentary debate. The Government recently received negative media coverage over the impact of the UK-Japan agreement, as it was reported that exports had fallen in the period since the FTA was signed.[39] It is imperative that potential negative media reception does not compromise the transparency of such publications in the future so that Parliament and the public can understand the implications of these agreements, and that the analysis is not limited simply to their economic impacts; they must include comprehensive analysis of the social and environmental implications.

Committee scrutiny and restructuring

The ITC in the Commons and IAC in the Lords have played a crucial role in holding the Government accountable during trade negotiations, despite the limited formal role they are afforded. The Government has previously made somewhat thin commitments to the committees over the role they can play in FTA scrutiny, including qualified commitments to "facilitate a debate" on reports produced regarding either negotiating objectives or a signed agreement "subject to the parliamentary time available."[57] It has been incumbent on these committees to reach beyond this official remit and ensure there are vocal calls in Parliament for increased parliamentary scrutiny.

It is concerning, therefore, that the ITC was abolished in April 2023, with its remit moving to a Business and Trade Committee (BTC). In reality, the BTC is a continuation of the former Business, Energy and Industrial Strategy (BEIS) Committee. The Government motion that gave effect to these changes, tabled in March 2023, ensured that the inquiries underway by the BEIS committee would continue under the new Committee, while no such guarantee was given to the ITC.[58] This gave the ITC a period of just a few weeks to conclude and publish reports on some of its inquiries, doing so for negotiations with CPTPP, India, and the GCC, while others, primarily those on thematic areas such as on 'Trade and the Environment' or 'UK trade approach to developing countries', have had to be discontinued.[59] This is a broad remit, and merging the remits of the two committees clearly, inevitably leads to a lower capacity for the new committee to scrutinise proposed or active trade negotiations or to analyse the implementation of already ratified agreements.

This move was made in response to corresponding changes to the structure of these Government departments, but it was not inevitable that this should be the case. There was a precedent set, for example, by the continuation of the work of the International Development Committee after comparable departmental changes were made in 2020.[60] The argument to maintain a specialist trade committee that had built expertise and a substantial evidence base over a number of years was a strong one, particularly given the widespread criticism of trade scrutiny processes described in this report.

Though at the time of writing it remains to be seen what the long term impact of these changes will be, it is clear from these changes that even Parliament's current trade scrutiny processes are extremely fragile. Scrutiny of individual trade negotiations alongside more strategic, thematic work on trade policy already stretched the capacity of one select committee, and it seems highly unlikely that the new committee will be able to give the priority it needs.

To address this, all Commons committees should include treaty scrutiny in their core tasks, particularly given the breadth of domestic and international policy areas that trade agreements cut across. In addition, there should be a new, dedicated treaty scrutiny committee in the Commons that could build knowledge and expertise on both the trade agreements that come before Parliament and on the constitutional arrangements around treaty scrutiny more widely. Such a Committee would be well placed to hold the Government to account and to assess the ways in which our scrutiny processes must improve.[61]

International precedents

There are various systems of treaty scrutiny in other countries from which the UK could model an improved system of parliamentary scrutiny, and public and civil society consultation.

With regard to the role of the legislative branch in developing trade agreements, the US is often held up as the model in which the greatest power is held to set the parameters for and to influence trade negotiations. As described earlier in this report, Congress sets out the negotiating mandate that the executive branch can follow in its negotiations, and under Trade Promotion Authority (TPA) laws, there are also stringent requirements for the executive to consult with members of Congress, and defined terms under which the executive can enter into trade negotiations and pass implementing legislation. Individual members of Congress have the right to request timely briefings during negotiations, covering classified materials, and are able to view draft negotiating texts as negotiations unfold. To ratify an agreement, a simple majority in both chambers of Congress is required.[62]

The European Parliament has also been able to play a more proactive role in trade policy than its UK equivalent in recent years. Following a consultation on a new trade agreement, recommendations are made to the European Council based on the consultation's findings. The European Council then agrees the negotiating mandate which sets out the general objectives that should be achieved through the trade agreement. Though processes throughout negotiation remain imperfect, after criticism of a lack of transparency during TTIP negotiations with the US, the EU made additional commitments beyond those in the UK, including: making more negotiation objectives public; providing all MEPs with access to additional restricted documents, including negotiating texts, in a secure reading room; publishing a list of the documents shared with the European Parliament and the Commission; and publishing information about who is being consulted in relations to trade negotiations.[63] Ultimately, the European Parliament must approve any trade agreement brought before it by a simple majority.[64] For mixed competency agreements (for example, those that contain investment protection provisions), there is a further requirement for member state approval.[65]

For the devolved administrations, there are international precedents available to strengthen their position. Belgium's political system, for example, requires all regional parliaments to give the Federal Government power of signature before Belgium can approve international agreements.[66] It was for this reason that the region of Wallonia was able to delay the Comprehensive Economic Trade Agreement (CETA) between the EU and Canada[67], until it received concessions, and it is currently pressing for binding and enforceable social, environmental and climate standards in proposed EU agreements with Central America and the Andean countries.[68] Such provisions give devolved governments a meaningful voice in designing and approving trade agreements.

With regard to public scrutiny, the USA's advisory committee system is one of the most consultative mechanisms and consists of 26 advisory committees, enabling approximately 700 citizen advisors to gain access to confidential information and comment on draft agreements.[69] Civil society can provide input into trade policy through this system, and this could therefore be a starting point for improved arrangements. However, US arrangements have been criticised because the majority of advisory committee members are from private firms and the recommendations and as a result advice given by civil society representatives are often overlooked.[70] Such shortcomings would clearly need to be addressed. Similarly, in the EU, there are some mechanisms for public and civil society engagement; the European Commission's public consultation and scoping exercise forms part of the EU's formal procedure and consultations must take place before negotiations begin, making recommendations to the European Council based on the findings of the consultation and scoping.[71] Civil society organisations can engage with trade negotiations through the Civil Society Dialogue, which provides a structured space for information

sharing that is recorded and web-streamed. Unfortunately, this system has in practice been criticised by EU NGOs: frustrations have included infrequency of meetings; underrepresentation of NGOs in some policy areas; minimal monitoring opportunities; and a perceived lack of policy impact due to the absence of enforcement powers in response to violations of sustainable development principles.[72] Despite these shortcomings, the EU procedure for negotiating and ratifying trade agreements includes greater transparency and accountability requirements than the existing UK procedure. Such international systems should provide a baseline minimum for trade scrutiny processes in the UK.

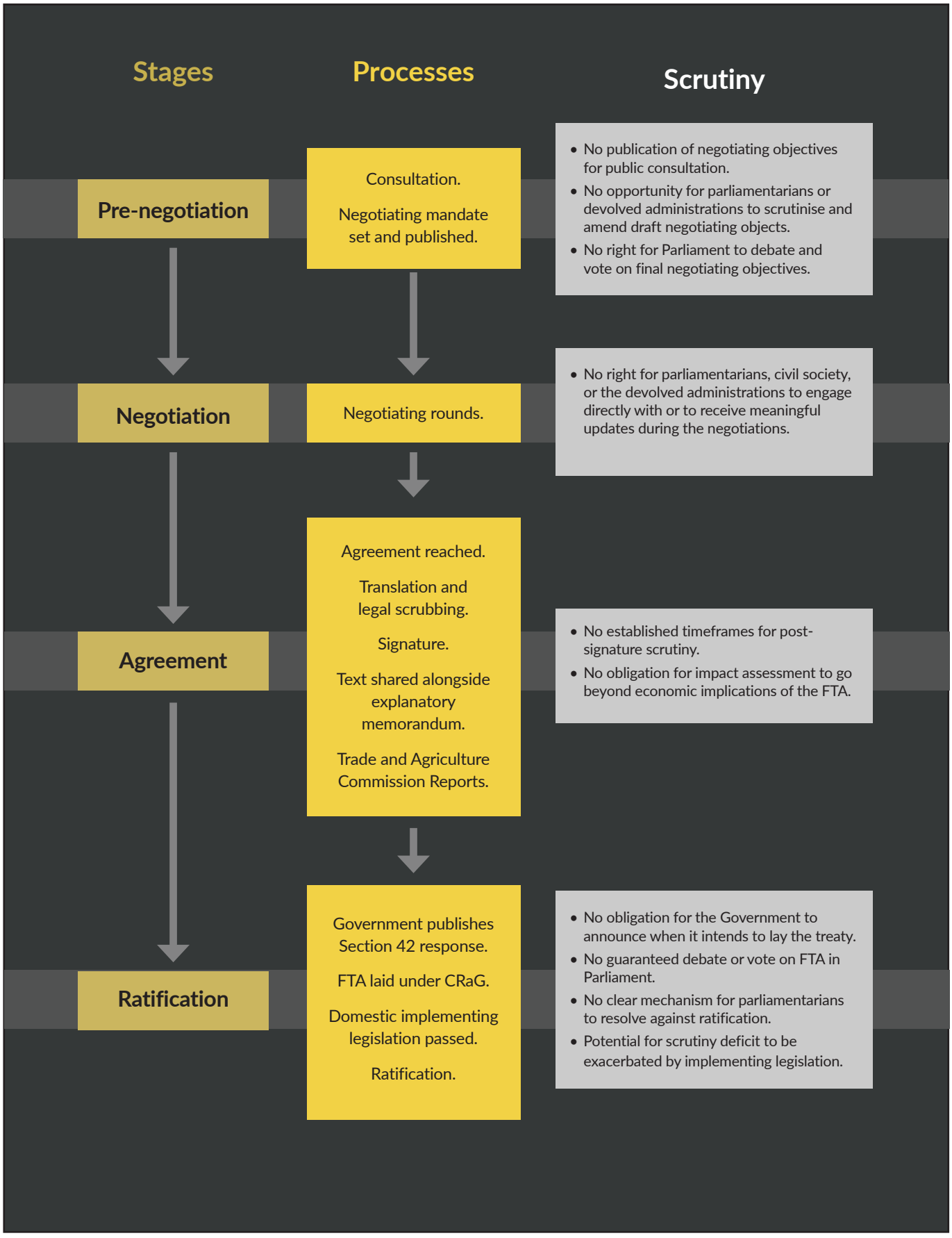
A future vision for trade scrutiny

Trade is not an end in itself, but a tool that should enable people to live in dignity, advance living standards, wages, and rights, while accelerating the transition to an economy that is compatible with the natural environmental support systems on which all of us depend. Trade policy must be subject to the protection and enhancement of environmental standards, human rights, climate rules, workers' rights, development cooperation objectives and other public policy goals, and must not undermine or override them. There must be democratic processes in place to ensure that trade is meeting these objectives.

However, there is currently a clear democratic deficit in the existing UK procedure for trade negotiation and ratification, which severely limits Parliamentary and public scrutiny and oversight of trade policy. It is essential that the Government now establishes a democratic and transparent procedure for the negotiation and ratification of trade agreements. New, reformed procedures for trade scrutiny must guarantee a role for the public, Parliament and devolved administrations in setting negotiation mandates. This democratic deficit could be addressed via the following reforms:

- **Clarity of purpose.** A trade strategy that sets out the UK's trade policy ambitions, including how trade should interact with key policy areas such as its climate ambitions, human rights obligations, health standards, and much else besides should be published.
- **Transparency in negotiations.** The Government should commit to meaningful parliamentary and public input into objectives and mandates prior to initiating trade negotiations; comprehensive and independent ex ante IAs of the potential social and environmental impacts of trade agreements prior to initiating trade negotiations; and far greater transparency during negotiations.
- **Empowered select committees.** In addition to the Business and Trade Committee, the Government should establish a new Commons committee dedicated to the scrutiny of new international treaties including free trade agreements. This body should have a mandate to review and recommend amendments to negotiating positions in advance of the negotiations, assess negotiating texts as they progress, and scrutinise and recommend amendments to draft agreements.
- **An empowered Parliament.** Parliament should be empowered to comprehensively scrutinise and amend, and approve or reject, trade agreements. All trade agreements should be subject to full Parliamentary debates on draft negotiating objectives, Parliament should be mandated to amend agreements, and all trade agreements should be subject to an affirmative vote in Parliament. Once in place, Parliament must have the right to review and withdraw from trade agreements in a timely manner.
- **Strengthened role for the devolved nations.** The Government should ensure a meaningful role for devolved administrations in the development of trade policy by: including a fixed right for the devolved administrations to input into the mandate-setting stage, direct participation in negotiating rounds, and ultimately, the requirement for the devolved administrations to give their consent to a final trade agreement, based on any impacts it may have on their powers and territories, before that trade agreement is implemented.
- **Compulsory role for the public and civil society.** The UK Government should develop a robust procedure that guarantees the public's right of input into trade agreements, including a commitment to widen the scope of consultations prior to trade negotiations and clarification regarding how these views are taken into account both prior to and during negotiations. The Government should establish an inclusive procedure for engaging civil society in trade negotiations by strengthening engagement with its advisory groups on negotiating objectives and active negotiations, and including civil society representatives as observers in official UK trade delegations.
- **Conduct regular and annual ex-post impact assessments.** The Government should ensure that regular, thorough ex-post assessments of the economic, social and environmental impacts of their trade agreements are published in the years after their ratification. Assessments must be developed with input from civil society.

Annex 1: The UK treaty scrutiny process



References

1. Conservative Party (2019) 'Get Brexit Done: Unleash Britain's Potential'. Available at: https://www.conservatives.com/our-plan/conservative-party-manifesto-2019 Accessed 3 May 2023.

2. House of Commons, International Trade Committee (ITC) (2018) 'UK trade policy transparency and scrutiny'. Available at: https://publications.parliament.uk/pa/cm201719/cmselect/cmintrade/1043/1043.pdf

House of Lords, Constitution Committee (2019) 'Parliamentary scrutiny of treaties inquiry'. Available at: https://committees.parliament.uk/work/5561/parliamentary-scrutiny-of-treaties-inquiry/

House of Commons, Scottish Affairs Committee (2019) 'Scotland, Trade and Brexit'. Available at: https://publications.parliament.uk/pa/cm201719/cmselect/cmscotaf/903/903.pdf

House of Lords, European Union Committee (2019) 'Scrutiny of International agreements: lessons learned'. Available at: https://publications.parliament.uk/pa/ld201719/ldselect/ldeucom/387/387.pdf

House of Commons and House of Lords, Joint Committee on Human Rights (2019) 'Human Rights Protections in International Agreements'. Available at: https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/1833/1833.pdf

All Accessed 2 May 2023.

3. House of Commons, ITC (2022) 'UK trade negotiations: Parliamentary scrutiny of free trade agreements'. Available at: https://publications.parliament.uk/pa/cm5803/cmselect/cmintrade/815/report.html

House of Lords, International Agreements Committee (IAC) (2023) 'Letter to the Secretary of State for Business and Trade'. Available at: https://committees.parliament.uk/publications/34536/documents/190085/default/

National Audit Office (2021) 'Progress with trade negotiations'. Available at: https://www.nao.org.uk/wp-content/uploads/2021/12/Progress-with-trade-negotiations.pdf

Institute for Government (2017) 'Taking back control of trade policy'. Available at: https://www.instituteforgovernment.org.uk/sites/default/files/publications/IFGJ5448_Brexit_report_160517_WEB_v2.pdf

All accessed 11 May 2023.

4. Department for International Trade (DIT) (2021) 'DIT Outcome Delivery Plan: 2021 to 2022'. Available at: https://www.gov.uk/government/publications/department-for-international-trade-outcome-delivery-plan/dit-outcome-delivery-plan-2021-to-2022 Accessed 26 April 2023.

5. DIT (2022) 'UK trade negotiations: Scrutiny of Agreement with Australia and Agreement with Australia: Government Response to the Committee's First and Second Reports'. Available at: https://committees.parliament.uk/publications/28828/documents/173992/default/ Accessed 26 April 2023.

6. See, for example, DIT (2019) 'UK-Australia Free Trade Agreement: the UK's Strategic Approach'. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/901886/uk-strategy-australia-free-trade-agreement.pdf Accessed 25 April 2023.

7. House of Lords, IAC (2013) 'Letter to the Secretary of State for Business and Trade'. Available at: https://committees.parliament.uk/publications/34536/documents/190085/default/ Accessed 25 April 2023.

8. UK Parliament, Hansard (2021) 'Trade agreements: Human Rights'. Available at: https://hansard.parliament.uk/Commons/2021-10-21/debates/144E8CD3-8AC4-4FAA-AE64-765A602DE28D/TradeDealsHumanRights#contribution-3F55DB8F-642B-4F86-B04A-4FC8B179C628 Accessed 27 April 2023.

9. William Schomberg (17 January 2021) UK must not do trade agreements with rights abusers, foreign minister says, Reuters. Available at: https://www.reuters.com/article/us-britain-politics-trade-idUSKBN29M0AL Accessed 24 April 2023.

10. UK Parliament, Hansard (2022) 'Central America: Trade and Investment'. Available at: https://hansard.parliament.uk/Lords/2022-12-19/debates/34665408-3196-4DE9-8FEB-0B53A9982AF3/CentralAmericaTradeAndInvestment#main-content Accessed 24 April 2023.

11. UK Parliament (2023) 'Trade Agreements: Gulf Cooperation Council'. Available at: https://questions-statements.parliament.uk/written-questions/detail/2023-01-06/117832 Accessed 24 April 2023

12. House of Commons and House of Lords, Joint Committee on Human Rights (2019) Op. cit.

13. House of Lords, IAC (2022) 'Exchange of Letters'. Available at: https://committees.parliament.uk/publications/22312/documents/164995/default/ Accessed 11 May 2022.

14. UK Parliament, Hansard (2020) 'UK-US Trade Deal'. Available at: https://hansard.parliament.uk/commons/2020-03-02/debates/09E16FFE-C5F3-4AD9-A7F6-770D1E903F55/UK-USTradeDeal Accessed 12 May 2023.

15. DIT (2018) 'UK and US Free Trade Agreement'. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/869592/UK_US_FTA_negotiations.pdf Accessed 13 May 2023.

16. House of Commons, ITC (2022) 'UK Trade Negotiations: Parliamentary scrutiny of free trade agreements'. Available at: https://committees.parliament.uk/publications/30492/documents/175947/default/ Accessed 17 April 2023.

17. Emily Jones, E., Garrido, D.B. and Sands, A. (2022) 'Public Administration and Constitutional Affairs Committee: Written evidence'. Available at: https://committees.parliament.uk/writtenevidence/37703/pdf/ Accessed 13 May 2023.

18. UK Parliament, Hansard (2022) 'Australia and New Zealand Trade Deals'. Available at: https://hansard.parliament.uk/commons/2022-11-14/debates/9F6BE62D-316D-4DAA-95C2-218CE670219D/AustraliaAndNewZealandTradeDeals Accessed 13 May 2023.

19. House of Commons, ITC (2023) 'UK trade negotiations: Parliamentary scrutiny of free trade agreements: Government Response to the Committee's Fourth Report'. Available at: https://committees.parliament.uk/publications/33653/documents/184038/default/ Accessed 26 April 2023.

20. UK Justice and Security Act (2013) 'Schedule 1'. Available at: https://www.legislation.gov.uk/ukpga/2013/18/schedule/1 Accessed 3 May 2023.

21. House of Lords, IAC (2022) Op. cit.

22. House of Commons, ITC (2022) Op. cit.

23. Trade and Agriculture Commission (2021) 'Terms of Reference'. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1115541/trade-and-agriculture-commission-terms-of-reference.pdf Accessed 3 May 2023.

24. Environment, Food and Rural Affairs Committee (2022) 'Oral Evidence: Australia FTA'. Available at: https://committees.parliament.uk/oralevidence/10191/html/ Accessed 2 May 2023.

25. Regulatory Policy Committee (2021) 'The UK-Australia Free Trade Agreement'. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1042706/RPC-DIT-5109_2__-_UK-Australia_FTA_opinion_final__20211216___002_.pdf Accessed 26 April 2023.

26. Constitution Committee Report (2006) 'Devolution: Its Effect on the Practice of Legislation at Westminster' Available at: https://publications.parliament.uk/pa/ld200506/ldselect/ldconst/236/23602.htm Accessed 20 April 2023.

27. House of Lords, European Union Committee (2020) 'Treaty Scrutiny: working practices'. Available at: https://publications.parliament.uk/pa/ld5801/ldselect/ldeucom/97/9704.htm Accessed 3 May 2023.

28. Public Law Project (2022) 'Public Law Project briefing on the Trade (Australia and New Zealand) Bill'. Available at: https://publiclawproject.org.uk/content/uploads/2022/08/PLP-Trade-Australia-and-New-Zealand-Bill-FINAL.docx.pdf Accessed 27 April 2023.

29. See for example: DIT (2020) 'Consultation outcome: Trade with Australia'. Available at: https://www.gov.uk/government/consultations/trade-with-australia Accessed 7 May 2023.

30. House of Lords, International Agreements Committee (IAC) (2023) 'Letter to the Secretary of State for Business and Trade'. Available at: https://committees.parliament.uk/publications/34536/documents/190085/default/ Accessed 11 May 2023.

31. Department for Business and Trade (2022) 'Strategic Trade Advisory Group: Summary of Discussions'. Available at: https://www.gov.uk/government/publications/strategic-trade-advisory-group-stag-summary-of-discussions Accessed 8 May 2023.

32. Which? (2021) 'Are the UK's trade agreements Reflecting Consumer Priorities?'. Available at: https://www.which.co.uk/policy-and-insight/article/are-the-uks-trade-deals-reflecting-consumer-priorities-a1dLg3t8aeCq Accessed 4 May 2023.

33. DIT (2022) 'Joint outcome statement: India-UK round two FTA negotiations'. Available at: https://www.gov.uk/government/news/joint-outcome-statement-india-uk-round-two-fta-negotiations

DIT (2022) 'Joint outcome statement: India-UK round three FTA negotiations'. Available at: https://www.gov.uk/government/news/joint-outcome-statement-india-uk-round-three-fta-negotiations

DIT (2022) 'Joint outcome statement: India-UK round four FTA negotiations'. Available at: https://www.gov.uk/government/news/joint-outcome-statement-india-uk-round-four-fta-negotiations

DIT (2022) 'Joint outcome statement: India-UK round five FTA negotiations'. Available at: https://www.gov.uk/government/news/joint-outcome-statement-india-uk-round-five-fta-negotiations

DIT (2022) 'Joint outcome statement: UK-India round six FTA negotiations'. Available at: https://www.gov.uk/government/news/joint-outcome-statement-uk-india-round-six-fta-negotiations#:~:text=On%2016%20December%202022%2C%20the,negotiations%20and%20others%20attended%20virtually

All accessed 25 April 2023

34. House of Commons, ITC (2018) 'Evidence submitted by the Scottish Government'. Available at: https://committees.parliament.uk/writtenevidence/92391/pdf/ Accessed 4 May 2023.

35. Scottish Government (2022) 'Scotland's Vision for Trade: Annual Report'. Available at: https://www.gov.scot/publications/scotlands-vision-trade-annual-report-march-2022/pages/5/ Accessed 4 May 2023.

36. Welsh Government (2022) 'UK-Australia Free Trade Agreement: A Welsh Government Perspective'. Available at: https://www.gov.wales/sites/default/files/publications/2022-05/uk-australia-free-trade-agreement.pdf Accessed 4 May 2023.

37. Scottish Government (2020) 'Finance and Constitution Committee'. Available at: https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/%20cj-23-09-2020?meeting=12840&iob=116086#orscontributions_M5612E360P612C2281452 Accessed 6 May 2023

38. DIT (2021) 'Final Impact Assessment of the Agreement between the United Kingdom of Great Britain and Northern Ireland and Japan for a Comprehensive Economic Partnership'. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/965154/UK-Japan-impact-assessment-comprehensive-economic-parternship.pdf

DIT (2022) 'Impact assessment of the Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and Australia'. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1073969/impact-assessment-of-the-free-trade-agreement-between-the-united-kingdom-of-great-britain-and-northern-ireland-and-australia.pdf

DIT (2022) 'Impact assessment of the Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and New Zealand'. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1057311/uk-new-zealand-free-trade-agreement-impact-assessment.pdf

All accessed 5 May 2023.

39. Ungoed-Thomas, J. and Savage, M. (26 November 2022) 'Brexit Blow: Exports to Japan slump after 'landmark' free trade agreement', *the Guardian*. Available at: https://www.theguardian.com/politics/2022/nov/26/brexit-britain-japan-trade-deal-exports-slump Accessed 27 April 2023.

40. UK Parliament, Hansard (2022) 'Votes and Proceedings: Wednesday 16 June 2022'. Available at: https://commonsbusiness.parliament.uk/Document/57446/Html?subType=Standard Accessed 27 April 2023.

41. House of Commons, ITC (2022) 'Anne-Marie Trevelyan backtracks on trade agreement scrutiny'. Available at: https://committees.parliament.uk/committee/367/international-trade-committee/news/166068/annemarie-trevelyan-backtracks-on-trade-deal-scrutiny/ Accessed 5 May 2023.

42. House of Commons, ITC (2022) 'Anne-Marie-Trevelyan accused of disrespecting Parliament on UK-Australia trade agreement'. Available at: https://committees.parliament.uk/committee/367/international-trade-committee/news/166068/annemarie-trevelyan-backtracks-on-trade-deal-scrutiny/ Accessed 5 May 2023.

43. House of Commons, ITC (2022) 'ITC statement on Secretary of State session cancellation'. Available at: https://committees.parliament.uk/committee/367/international-trade-committee/news/171802/international-trade-committee-statement-on-secretary-of-state-session-cancellation/ Accessed 5 May 2023.

44. House of Commons, ITC (2022) 'UK Trade Negotiations: Scrutiny of Agreement with Australia'. Available at: https://committees.parliament.uk/publications/22820/documents/167654/default/ Accessed 3 May 2023.

45. Ibid.

46. UK Parliament, Hansard (2022)' Australia-UK Free Trade Agreement: Scrutiny'. Available at: https://hansard.parliament.uk/commons/2022-07-19/debates/761013C1-F227-4DE0-9FF4-48FA74EB72C1/Australia-UKFreeTradeAgreementScrutiny Accessed 3 May 2023.

47. UK Parliament (2023) 'Trade (Australia and New Zealand) Act'. Available at: https://bills.parliament.uk/bills/3152 Accessed 2 May 2023.

48. House of Commons, ITC (2023) 'Oral Evidence: UK Trade Negotiations: Agreement with Australia'. Available at: https://committees.parliament.uk/oralevidence/10569/pdf/ Accessed 2 May 2023.

49. Public Law Project (2020) 'Plus ça change? Brexit and the flaws of the delegated legislation system'. Available at: https://publiclawproject.org.uk/content/uploads/2020/10/201013-Plus-ca-change-Brexit-SIs.pdf Accessed 2 May 2023.

50. Public Law Project (2022) 'Public Law Project briefing on the Trade (Australia and New Zealand) Bill'. Op. cit.

51. Senedd Cymru (2023) 'Plenary: 31/01/2023'. Available at: https://record.senedd.wales/Plenary/13191?lang=en-GB#A77368 Accessed 2 May 2023.

52. Scottish Government (2023) 'Trade (Australia and New Zealand Bill) Debate: Ministerial Statement'. Available at: https://www.gov.scot/publications/ministerial-statement-scottish-government-debate-trade-australia-new-zealand-bill/ Accessed 2 May 2023.

53. Senedd Cymru (2023) 'Legislative Consent: Trade (Australia and New Zealand) Bill'. Available at: https://business.senedd.wales/mgIssueHistoryHome.aspx?IId=39538 Accessed 2 May 2023.

54. UK Parliament, Hansard (2022) 'Australia and New Zealand Trade Deals'. Op. cit.

55. Greener UK (2022) 'Debate Briefing: UK-Australia Free Trade Agreement'. Available at: https://greeneruk.org/sites/default/files/download/2022-07/UK-Australia_FTA_debate_briefing.pdf Accessed 2 May 2023.

56. Harvey, F. (2022) 'Green Groups in last-ditch bid to block UK-Australia trade agreement', *the Guardian*. Available at: https://www.theguardian.com/environment/2022/jul/18/green-groups-in-last-ditch-bid-to-block-uk-australia-trade-deal-brexit Accessed 10 May 2023.

57. House of Lords, IAC (2022) 'Exchange of Letters'. Op. cit.

58. UK Parliament, Hansard (2023) 'Order Paper for Thursday 23 March 2023'. Available at: https://commonsbusiness.parliament.uk/Document/77887/Html?subType=Standard Accessed 11 May 2023.

59. House of Lords, IAC (2023) 'All inquiries'. Available at: https://committees.parliament.uk/committee/367/international-trade-committee/work/inquiries/?status=any Accessed 11 May 2023.

60. House of Commons, International Development Committee (2020) 'Future of the International Development Committee Confirmed'. Available at: https://committees.parliament.uk/committee/98/international-development-committee/news/137735/future-of-international-development-committee-chair-comments-19-21 Accessed 11 May 2023.

61. Lang, A. (2023) 'Stifled in the Cradle: Commons treaty scrutiny delivered a new blow', *Public Law Project*. Available at: https://publiclawproject.org.uk/blog/stifled-in-the-cradle-commons-treaty-scrutiny-delivered-a-new-blow/ Accessed 11 May 2023.

62. Congressional Research Service (2019) 'Trade Promotion Authority (TPA): Frequently Asked Questions'. Available at: https://sgp.fas.org/crs/misc/R43491.pdf Accessed 11 May 2023.

63. European Union (2015) 'European Commission publishes TTIP legal texts as part of transparency initiative'. Available at: https://ec.europa.eu/commission/presscorner/detail/en/IP_15_2980 Accessed 10 May 2023.

64. European Parliament (2019) 'Parliamentary scrutiny of trade policies across the Western world'. Available at: https://www.europarl.europa.eu/RegData/etudes/STUD/2019/603477/EXPO_STU(2019)603477_EN.pdf Accessed 10 May 2023.

65. European Parliamentary Research Services (2023) 'A guide to EU procedures for the conclusion of international trade agreements'. Available at: https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2016)593489 Accessed 10 May 2023.

66. Constitute Project (2023) 'Belgium's Constitution of 1831 with Amendments through 2014'. Available at: https://www.constituteproject.org/constitution/Belgium_2014.pdf?lang=en Accessed 16 May 2023.

67. de la Baume, M. (14 October 2016) 'Walloon Parliament rejects CETA deal', *Politico*. Available at: https://www.politico.eu/article/walloon-parliament-rejects-ceta-deal/ Accessed 16 May 2023.

68. Gijs, C. (3 February 2023) 'Get your Act together on trade, EU tells Belgium', *Politico*. Available at: https://www.politico.eu/article/belgium-eu-trade-deal-central-america-wallonia-colombia-peru-equador-european-commission/ Accessed 16 May 2023.

69. Office of the United States Trade Representative (2023) 'Advisory Committees'. Available at: https://ustr.gov/about-us/advisory-committees#:~:text=The%20advisory%20committee%20system%2C%20established,public%20and%20private%20sector%20interests Accessed 16 May 2023.

70. Ingraham, C. and Schneider, H. (2014) Industry voices dominate the trade advisory system', *the Washington Post*. Available at: https://www.washingtonpost.com/wp-srv/special/business/trade-advisory-committees/ Accessed 17 May 2023.

71. European Parliamentary Research Services (2023) 'A guide to EU procedures for the conclusion of international trade agreements'. Available at: https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2016)593489 Accessed 16 May 2023.

72. Drieghe, L. Orbie, J. Potjomkina, D. and Shahin, J. (2021) 'Participation of Civil Society in EU Trade Policy Making: How Inclusive is Inclusion?', *New Political Economy*. Available at: https://www.tandfonline.com/doi/full/10.1080/13563467.2021.1879763 Accessed 17 May 2023.

TRADE JUSTICE MOVEMENT

MAKE WORLD TRADE WORK FOR PEOPLE AND THE PLANET

The Trade Justice Movement is a network of nearly sixty organisations, including trade unions, environmental groups and justice campaigns, who push for trade policy that works for people and planet.

For more information please see
www.tjm.org.uk

May 2023