Baroness Evans of Bowes Park  
Leader of the House of Lords  
House of Lords  
SW1A 0PW  
6 March 2019

Dear Baroness Evans,

I am writing to confirm the Committee’s approach to scrutiny of the Interim political, trade and partnership agreement between the UK and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and Gaza Strip, which was laid before Parliament on 26 February.

As you know, the Procedure Committee agreed in January that the European Union Committee should for the remainder of this session take on responsibility for scrutinising any Brexit-related treaties laid before Parliament in accordance with the terms of the Constitutional Reform and Governance Act 2010. ‘Treaty’ is defined in the CRAG Act as a written agreement “between States or between States and international organisations”. Given that the UK does not recognise Palestine as a State, the Agreement with the PLO is not a treaty for the purposes of the CRAG Act.

The Department for International Trade’s Explanatory Memorandum, published alongside the Agreement, states that it was laid “in order to provide Parliament with an equivalent opportunity to scrutinise it as it has had for other trade agreements”. Indeed, the accompanying parliamentary report referred in terms to the CRAG Act process, though we understand that this was an error, which will be corrected. Nevertheless, discussions at official level have confirmed that the Department would like to facilitate parliamentary scrutiny.

We therefore plan to scrutinise the legal and policy implications of the Agreement in much the same way as we would if it fell within the terms of the CRAG Act. But we will make it clear in our report that the Agreement is not formally subject to CRAG, and also that the Government’s conclusion of the Agreement in no way implies recognition of Palestine as a State.

Once we have reported on the Agreement, Members may want to table motions for debate. My understanding is that such motions would not engage the CRAG Act, but I thought it would be useful to flag up this possibility early, so that the usual channels and the clerks are ready to advise Members as required.

I hope it is helpful to outline our approach in this way, given the unusual circumstances. I would be happy to discuss further, if you have any questions. I am copying this letter to the Government Chief Whip, the Senior Deputy Speaker (as Chair of the Procedure Committee), Jonathan Turner (FCO) and Miranda Dawkins (DIT).
Lord Boswell of Aynho
Chairman of the European Union Committee