
Briefing: Parliamentary scrutiny of the UK's accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (February 2024)

- The UK's accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) has significant implications for many important policy areas, including climate and the environment, human rights, labour rights, international development, food standards, animal welfare and public health. Meaningful parliamentary scrutiny of the terms of CPTPP is therefore imperative.
- However, the existing provisions for parliamentary scrutiny of new trade agreements are wholly inadequate. Under the UK's [heavily criticised](#) trade scrutiny provisions, there is no opportunity for Parliament to influence trade negotiating mandates, and no transparency during trade negotiations. Parliamentarians have no guaranteed opportunity to vote on new agreements.
- CPTPP has now been formally laid before Parliament under the CRAg (Constitutional Reform and Governance Act (2010)) procedure. Parliament has 21 sitting days to debate the CPTPP and pass a resolution to delay ratification if desired. However, there is no clear mechanism for passing such a resolution, and Parliament can be entirely bypassed. Via this system, parliamentarians are precluded from expressing their support for or dissatisfaction with new trade treaties.
- Parliamentarians should therefore urgently call on the Government to guarantee time for a debate on a substantive motion regarding the UK's accession to CPTPP before the CRAg period concludes on March 22nd 2024, so that the terms of the agreement can be adequately debated and a vote can be held.

Background

- The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) is a Free Trade Agreement between 11 countries in the Pacific region. Members include Japan, Canada, Australia, New Zealand, Malaysia and Singapore. The UK applied to join the bloc at the end of January 2021, with negotiations concluding on 31 March 2023 and signature of the Protocol of Accession taking place on 16 July 2023. Full ratification is anticipated in the coming months.
- Civil society groups have highlighted a range of concerns with the CPTPP agreement. These include the agreement's [investor-state dispute settlement \(ISDS\) mechanism](#), which impinges on the UK's right to regulate in the public interest, the lack of enforceability of CPTPP's provisions on the [environment](#) and [labour](#) rights, concerns around [animal welfare](#), as well as other areas of risk. All of these implications are deserving of extensive parliamentary scrutiny.
- Despite this, 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 throughout the development of new trade agreements. Parliament has no powers to influence the Government's negotiating objectives, and lacks access to trade

negotiations as they unfold. After the Government has signed a trade agreement there is no opportunity for Parliament to amend the final text or to vote on the terms of the agreement.

- The Public Administration and Constitutional Affairs Committee's January 2024 [report](#) on treaty scrutiny found that "current arrangements in Parliament for the scrutiny of international agreements are not commensurate with their constitutional importance", and made a series of recommendations for overhauling the process. This is the context in which parliamentary scrutiny of the UK's accession to CPTPP is being conducted.

Constitutional Reform and Governance Act

- On February 19th 2024, the Protocol on the UK's accession CPTPP was [laid before Parliament](#) under the CRaG (Constitutional Reform and Governance Act (2010)) procedure. This is nominally the only opportunity for parliamentarians to meaningfully scrutinise trade agreements that the Government has negotiated and, in theory, pass a resolution to delay ratification.
- To receive Parliament's consent, all that is required under the current procedure codified under CRaG is for a copy of the treaty to be laid for 21 sitting days. That means that parliamentarians have until March 22nd 2024 to scrutinise the terms of the UK's accession to CPTPP. However, there is no clear mechanism for passing such a resolution, and debates and votes are not guaranteed. This ensures parliamentarians are precluded from expressing their support for or dissatisfaction with new trade treaties. The Public Administration and Constitutional Affairs Committee's [report](#) described this system as "unsatisfactory in a modern democratic society".
- Given the significant changes we have seen in recent years to the scope of trade agreements, it is clear that this CRaG process, both for CPTPP and for any other significant trade treaty, is unfit for purpose. Parliament should have a meaningful say on trade agreements, rather than them being subject to a negative procedure wherein agreements have nominally gained Parliament's consent after 21 sitting days in which Parliament may not have had the opportunity to so much as debate the agreement.
- The shortcomings of these structures were demonstrated acutely during the ratification process for the UK-Australia FTA in 2022, the first 'from-scratch' post-Brexit agreement. The Treaty was laid under CRaG in June 2022, after which the Government rejected calls from across the House to guarantee time for MPs to vote on or even debate the agreement. It was only via an Urgent Question on UK-Australia scrutiny on the penultimate day of the allocated 21 sitting day period that the Commons was able to debate the FTA at all. This landmark, wide-reaching FTA effectively sleepwalked its way to parliamentary approval.
- It is imperative that this precedent is not followed and such scenes are not repeated during the ratification process for the UK's accession to CPTPP. Parliament must be guaranteed a debate on the terms of the agreement and ultimately a final, binding vote.

Recommendations

- The Government must guarantee parliamentarians a debate before March 22nd on a substantive motion to resolve that the treaty should not be ratified, in accordance with section 20 of CRaG.
- If such a debate is not scheduled, the Government should exercise its powers under section 21 of CRaG to extend the statutory period so that this debate and vote can be held.

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