Recent Reforms to the Parliamentary Scrutiny of Treaties in the UK

Friday 22 June 2012 1 – 2pm
Light Lunch provided

Friday Lunchtime Seminar Series
Jill Barrett Arthur Watts Senior Research Fellow in Public International Law, British Institute of International and Comparative Law

Staff Library ANU College of Law, Building 5, Fellows Road, The Australian National University

A new statutory right for Parliament to control the ratification of treaties for the United Kingdom has recently entered into force. While constitutional practices based on the Ponsonby Rule may have evolved in different ways in other countries such as Australia and may continue to do so, in the UK the status of the rule as a convention is now a matter of history.

This reform strengthens the legal powers of Parliament in relation to the Executive and increases the transparency and visibility of Government action in relation to treaty ratifications. The transformation of the Ponsonby Rule from a convention to a legislative requirement both codifies and progressively develops an important element in the British Constitution.

Jill Barrett will explain the key elements of this reform, including the tricky legal issues involved in how to define “treaty” and “ratification” for statutory purposes. She will comment on its actual effect on Government and Parliament, and invite discussion on a comparison with Australian practice.

Jill Barrett joined the Institute in 2010 from the Legal Adviser’s team at the Foreign and Commonwealth Office, where she was Legal Counsellor. Her role at the Institute is to lead and develop the research and events programme in public international law, and she brings over twenty years’ experience of advising on legal aspects of foreign policy, negotiating international agreements and representing the United Kingdom abroad.

Previously Jill was Lecturer in Law at SOAS, University of London, and at the University of Durham. She is the author of academic articles on various aspects of public international law. Her article on The United Kingdom and Parliamentary Scrutiny of Treaties: Recent Reforms has been published in the ICLQ and forthcoming publications include articles on secondary law-making under treaties and new developments in Antarctic and Arctic governance.

The views expressed in this seminar are those of the presenter and do not necessarily represent the views of The Australian National University

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