

International Agreements

Agreements considered on 13
September 2021

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1. Background

1. The Legislation, Justice and Constitution Committee is responsible for the scrutiny of non-trade international agreements in the Sixth Senedd.
2. International agreements signed by the UK Government can cover matters within devolved competence or matters which have important policy implications for Wales.
3. The Committee will consider the impact on Wales of international agreements laid in the UK Parliament under the process established by the *Constitutional Reform and Governance Act 2010* (CRaG Act 2010). It provides an initial 21 day scrutiny period.
4. Our consideration of an international agreement takes into account:
 - whether it engages the Senedd's competence; and/or
 - whether there are potential policy implications for Wales.
5. On 13 September 2021 we considered eight international agreements that have recently been laid in the UK Parliament.¹
6. The agreements we considered were:
 - UK/Peru: Treaty on the Mutual Recognition of Degrees
 - UK/Japan: Protocol Amending the Agreement for Co-operation in the Peaceful Uses of Nuclear Energy
 - Protection of Classified Information: Agreements with
 - UK/Estonia
 - UK/Latvia
 - UK/Belgium
 - UK/Italy

¹ Legislation, Justice and Constitution Committee, 13 September 2021

- UNESCO Global Convention on the Recognition of Qualifications Concerning Higher Education
- UK/Russia: Protocol Amending the Agreement concerning the Prevention of Incidents at Sea

7. We agreed to take further action in relation to seven of the agreements. Details on each of the agreements and our respective actions are set out below.

2. Agreements requiring further action

UK/Peru: Treaty on the Mutual Recognition of Degrees

8. This international agreement was laid in the UK Parliament on 17 May 2021. Its scrutiny deadline, as required by the CRaG Act 2010, was 29 June 2021.

9. The objective of the agreement is to recognise and validate degrees issued by the officially recognised and authorised higher education institutions of each party. The UK degrees covered are Bachelor's, Master's and Doctoral degrees.

10. The Explanatory Memorandum acknowledges that this agreement relates to academic qualifications awarded by officially authorised higher education institutions, which is a devolved matter. It states that the UK Government consulted the Devolved Governments on its drafting and shared the relevant draft text in advance of signature. Scottish and Welsh Governments proposed minor amendments to wording that were incorporated into the final versions.

11. Paragraph 10 of Schedule 7A to the *Government of Wales Act 2006* (the 2006 Act) provides that international relations is a reserved matter. "International relations" includes relations with territories outside the UK. However, observing and implementing international obligations is not reserved so far as they relate to devolved matters.

12. We noted the agreement, and that it relates to academic qualifications awarded by officially authorised higher education institutions which is a devolved matter.

13. We agreed to draw the agreement to the attention of the Senedd's Children, Young People & Education Committee, to advise that:

- the Welsh Government has not yet published its assessment or provided information on its impact; and
- the agreement was laid during the passage of the UK Government's Professional Qualifications Bill, for which the Senedd's consent has been sought. In its Legislative Consent Memorandum (Memorandum), the Welsh Government recommends that the Senedd withhold its consent to the Bill. One of the reasons provided is that the UK Government has failed to confirm to the Welsh Government which educational qualifications are within scope of the Bill, such as further education qualifications.

14. We will report separately on the Welsh Government's Memorandum.

UK/Japan: Protocol Amending the Agreement for Co-operation in the Peaceful Uses of Nuclear Energy

15. This international agreement was laid in the UK Parliament on 7 June 2021. Its scrutiny deadline, as required by the CRaG Act 2010, was 13 July 2021.

16. The agreement relates to cooperation in the peaceful uses of nuclear energy, including the non-proliferation of nuclear weapons. Paragraph 99 of Schedule 7A to the 2006 Act provides that nuclear energy is a reserved matter.

17. The Explanatory Memorandum confirms that the policy content of the Amending Protocol is considered to be a reserved matter, and the UK Government has not consulted the Devolved Administrations in the drafting of the Amending Protocol.

18. We noted the agreement and agreed to draw it to the attention of the Senedd's Climate Change, Environment and Infrastructure Committee, particularly as regards the agreements' implications, if any, for nuclear energy in Wales.

Protection of Classified Information: agreements UK/Estonia, UK/Latvia, UK/Belgium and UK/Italy

19. In June 2021, four international agreements between the UK and individual EU Member States (Estonia, Latvia, Belgium and Italy) were laid in the UK Parliament on the protection of classified information.

20. The contents of the agreements are similar and we therefore considered them together.

21. The aim of the agreements is to provide a legal basis for the protection of classified information exchanged between the UK and Estonia, Latvia, Belgium and Italy, which could include subjects such as defence, law enforcement, counter-terrorism and security.

22. Matters relating to defence and national security are reserved by paragraphs 11 and 32 of Schedule 7A to the 2006 Act respectively.

23. We noted the agreements and agreed to:

- seek the Welsh Government's assessment of the agreements' implications, if any, for Wales and its contractors, including whether the Welsh Government agrees with the UK Government's conclusion that the agreements have 'no implications for the devolved administrations'; and

- draw the agreements to the attention of the Senedd's Equality and Social Justice Committee, in relation to their implications, if any, for criminal justice agencies in Wales.

UNESCO Global Convention on the Recognition of Qualifications Concerning Higher Education

24. This international agreement was laid in the UK Parliament on 20 July 2021. Its scrutiny deadline, as required by the CRaG Act 2010, is 2 November 2021.

25. The UNESCO Global Convention on the Recognition of Qualifications concerning Higher Education provides a global framework for the recognition of higher education qualifications and qualifications giving access to higher education. It is the first legally binding United Nations treaty on higher education.

26. The Explanatory Memorandum recognises that this agreement relates to education policy as a devolved matter. It explains that the UK Government consulted the devolved governments on the drafting of the agreement and shared the relevant draft text in advance of adoption by the UNESCO General Assembly.

27. As noted in paragraph 6, international relations is a reserved matter as provided by paragraph 10 of Schedule 7A to the 2006 Act. However, observing and implementing international obligations is not reserved so far as they relate to devolved matters. This agreement relates to the recognition of higher education qualifications, which is a devolved matter.

28. We noted the agreement and agreed to draw it to attention of the Senedd's Children, Young People & Education Committee, to advise that:

- the Welsh Government has not yet published its assessment or provided information on its impact, nor has it confirmed whether intergovernmental arrangements for UK representation have been finalised for the Convention's Intergovernmental Conference (to be held every two years);
- the agreement was laid during the passage of the UK Government's Professional Qualifications Bill, for which the Senedd's consent has been sought. In its Memorandum, the Welsh Government recommends that the Senedd withhold its consent to the Bill and one of the reasons provided is that the UK Government has failed to confirm to the Welsh Government which educational qualifications are within scope of the Bill.

29. We will report separately on the Welsh Government's Memorandum.

3. Agreements noted for information

UK/Russia: Protocol Amending the Agreement concerning the Prevention of Incidents at Sea

30. This international agreement was laid in the UK Parliament on 16 July 2021. Its scrutiny deadline, as required by the CRaG Act 2010, was 22 July 2021.

31. The aim of the agreement is to amend the Prevention of Incidents at Sea Beyond the Territorial Sea 1986 (INCSEA), which applies military ships and aircraft operating outside of the territorial sea.

32. The Explanatory Memorandum states that INCSEA relates fully to a reserved matter with no implications for the Devolved Administrations and it has not, therefore, consulted the Devolved Administrations on the drafting of this Protocol.

33. The agreement relates to military ships and aircraft operating outside of the territorial sea, a marine zone ordinarily extending 0-12 nautical miles from the coast's low tide mark.

34. While the Welsh Government and the Senedd have competence for some matters outside of the territorial sea, this agreement relates to military movements which is not a devolved matter. Defence, including the naval, military or air forces of the Crown are reserved matters as provided by paragraph 11 of Schedule 7A to the 2006 Act.

35. We noted the Protocol for information.