

International agreements

Agreements considered on
30 September 2024

October 2024



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 considers 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 30 September 2024,¹ we considered four international agreements that had recently been laid in the UK Parliament:
 - UK/Senegal: Defence Cooperation Agreement concerning Military Cooperation;
 - UK/USA: Amendment to the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes;
 - Agreement among the United Kingdom of Great Britain and Northern Ireland, Australia, and the United States of America for Cooperation related to Naval Nuclear Propulsion; and
 - UK/Ukraine: Framework Agreement on Official Credit Support for the Development of Ukraine's Defence Capabilities.
- 6.** We agreed to note all of these agreements for information only.
- 7.** We also considered and noted correspondence regarding an international agreement that we had considered previously.

¹ Legislation, Justice and Constitution Committee, 30 September 2024

2. Agreements noted for information

UK/Senegal: Defence Cooperation Agreement concerning Military Cooperation

- 8.** This international agreement was laid in the UK Parliament on 25 March 2024. Its scrutiny deadline, as required by the CReG Act 2010, was 17 May 2024.
- 9.** The purpose of the agreement is to establish a framework for military cooperation between the United Kingdom and Senegal. It provides a basis for Defence to conduct regional air operations, including building resilience for RAF air movements, build closer cooperation across the full range of maritime security activities, including counter narcotics and illegal unregulated and unreported fishing, and establish a framework for future intelligence sharing.
- 10.** The Explanatory Memorandum confirms that a Designation order has been prepared to give effect to the agreement's criminal jurisdiction provisions.²
- 11.** The Explanatory Memorandum states that as the agreement relates fully to a reserved matter and has no direct implications for the devolved governments, the devolved governments were not consulted over the drafting of the agreement.³
- 12.** As the agreement relates to defence, which is a reserved matter as provided by paragraph 11 of Schedule 7A to the Government of Wales Act 2006, we agreed to note it for information only.

UK/USA: Amendment to the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes

- 13.** This international agreement was laid in the UK Parliament on 26 July 2024. Its scrutiny deadline, as required by the CReG Act 2010, is 23 October 2024.
- 14.** The purpose of this agreement is to amend the agreement between the United Kingdom and the United States of America on the Uses of the Atomic Energy for Mutual Defense Purposes 1958 ("MDA"). According to the Explanatory

² [UK Government, Explanatory Memorandum: UK/Senegal: Defence Cooperation Agreement concerning Military Cooperation](#), March 2024, paragraph 5

³ Explanatory Memorandum, paragraph 10

Memorandum, the MDA forms the basis for UK-US cooperation on the safe and reliable maintenance of the UK's nuclear deterrent.⁴

15. The Explanatory Memorandum states that certain provisions in the MDA have been renewed periodically (recently on a 10-year cycle) and expire at the end of 2024. This agreement amends the expiry date of certain provisions in the MDA to make the entirety of the MDA “enduring, securing continuing cooperation with the US”.⁵

16. This agreement also makes further changes to the MDA to remove obsolete language, ensure cooperation in the future, and make the naval nuclear propulsion provisions reciprocal.

17. The Explanatory Memorandum confirms that no new domestic legislation is required to bring the agreement into force.⁶

18. The Explanatory Memorandum states that as the agreement relates to a reserved matter, there has been no formal consultation with the devolved governments on the drafting of the agreement, however, they have been notified about it.⁷

19. As the agreement relates to defence and nuclear energy, which are reserved matters, we agreed to note the agreement for information only.

Agreement among the United Kingdom of Great Britain and Northern Ireland, Australia, and the United States of America for Cooperation related to Naval Nuclear Propulsion

20. This international agreement was laid in the UK Parliament on 2 September 2024. Its scrutiny deadline, as required by the CRAg Act 2010, is 29 October 2024.

21. This agreement allows the United Kingdom, Australia and the United States of America to exchange information relating to conventionally armed, nuclear-powered submarines. The UK and the USA may also transfer material and equipment relating to conventionally armed, nuclear-powered submarines to Australia, provided such transfers would not constitute an unreasonable risk to their defence and security.

⁴ [UK Government, Explanatory Memorandum: UK/USA: Amendment to the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes](#), July 2024, paragraph 2.2

⁵ Explanatory Memorandum, paragraph 4.2

⁶ Explanatory Memorandum, paragraph 5

⁷ Explanatory Memorandum, paragraph 10

22. This agreement will replace the current agreement between the parties (the Exchange of Naval Nuclear Propulsion Information Agreement) and will last until 31 December 2075, unless terminated early.

23. The Explanatory Memorandum confirms that no new legislation is required to implement the agreement.⁸

24. The Explanatory Memorandum states that as the agreement relates to a fully reserved matter with no direct implications for the devolved governments, the UK Government has not consulted them on the drafting of this agreement.⁹

25. As the agreement relates to defence and nuclear energy, which are reserved matters, we agreed to note the agreement for information only.

UK/Ukraine: Framework Agreement on Official Credit Support for the Development of Ukraine's Defence Capabilities

26. This international agreement was laid in the UK Parliament on 2 September 2024. Its scrutiny deadline, as required by the CRaG Act 2010, is 29 October 2024.

27. The purpose of this agreement is to provide financial support to Ukraine for the procurement of military equipment involving UK suppliers.

28. The agreement will allow Ukraine to access UK Export Finance-supported financing for contracts with eligible contractors in relation to UK content, in connection with the development of Ukraine's defence capabilities. The agreement is adapted to Ukraine's wartime needs and would allow a wider range of military equipment to be funded through UK Export Finance guaranteed loans.

29. The Explanatory Memorandum confirms that no new legislation is required to implement this agreement.¹⁰

⁸ [UK Government, Explanatory Memorandum: Agreement among the United Kingdom of Great Britain and Northern Ireland, Australia, and the United States of America for Cooperation related to Naval Nuclear Propulsion](#), September 2024, paragraph 5

⁹ Explanatory Memorandum, paragraph 10

¹⁰ [UK Government, Explanatory Memorandum: UK/Ukraine: Framework Agreement on Official Credit Support for the Development of Ukraine's Defence Capabilities](#), September 2024, paragraph 5

30. The Explanatory Memorandum does not refer to the devolved governments, however, it notes that no consultation has taken place in relation to the drafting of the agreement.¹¹

31. As the agreement relates to the reserved matters of international relations, we agreed to note the agreement for information only.

¹¹ Explanatory Memorandum, paragraph 10

3. Correspondence relating to agreements previously considered

UK-Denmark Agreement on the Participation in Certain Elections of Nationals of Each Country Resident in the Territory of the Other

32. Following our consideration of the above agreement at our meeting on 8 January 2024, we wrote¹² to the former First Minister, Vaughan Gething MS, to seek his assessment of the agreement, and request an update on:

- i) whether the Welsh Government is satisfied that the issues raised¹³ by the former First Minister in July 2019 in relation to the UK Government entering into international agreements relating to devolved subject areas have been resolved; and
- ii) whether the Welsh Government has considered the use of the emergency legislation procedure set out in the Senedd's Standing Orders 26.95-26.104.

33. The former First Minister wrote to us in response on 13 June 2024, and stated:

*"The situation is not fully resolved, however given current Welsh Government policy and cross-Senedd support for a wide franchise for Welsh elections, this is not a matter we have pursued with great urgency."*¹⁴

34. The former First Minister noted that should a future Welsh Government or Senedd wish to amend the franchise to make it more restrictive, there are "mechanisms in place" to enable the UK Government to negotiate changes to the relevant international agreements on behalf of the Welsh Government, and that in those circumstances, it would expect "positive engagement between the Welsh Government and the UK government to reach an agreeable solution".¹⁵

35. The former First Minister also stated that the Welsh Government has not sought any legislative means to address these potential issues.

¹² ~~Letter to the First Minister~~, 16 May 2024

¹³ ~~Letter from the First Minister to the Llywydd~~, 3 July 2019

¹⁴ ~~Letter from the First Minister~~, 13 June 2024

¹⁵ Letter from the First Minister, 13 June 2024

36. However, the former First Minister stated:

“We have a good relationship with the UK Government in terms of discussing electoral issues. We have no reason to believe the UK Government would attempt to legislate to remove or limit the entitlement of EU citizens to vote in Welsh local elections.”¹⁶

¹⁶ Letter from the First Minister, 13 June 2024