

International Agreements

Agreements considered on
11 July 2022

July 2022



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 11 July 2022 we considered two international agreements that have recently been laid in the UK Parliament.¹
6. The agreements we considered were:
 - Protocol Relating to an Amendment to Article 56 of the Convention on International Civil Aviation; and
 - Protocol Relating to an Amendment to Article 50(a) of the Convention on International Civil Aviation.
7. We agreed to note both agreements for information only. Further details on each of the agreements are set out below.

¹ Legislation, Justice and Constitution Committee, 11 July 2022

2. Agreements noted for information

Protocol Relating to an Amendment to Article 56 of the Convention on International Civil Aviation

8. This international agreement was laid in the UK Parliament on 15 June 2022. Its scrutiny deadline, as required by the CRaG Act 2010, is 20 July 2022.

9. This agreement amends the Convention on International Civil Aviation 1944 (“the Convention”) to increase the size of the Air Navigation Commission of the International Civil Aviation Organization (“ICAO”) to 21 members from 19 members.

10. The Explanatory Memorandum for the agreement provides that its policy contents relate fully to reserved matters with no implications for the devolved governments. The UK Government has not consulted the devolved governments regarding the ratification of the agreement.

11. We noted the agreement for information only.

Protocol Relating to an Amendment to Article 50(a) of the Convention on International Civil Aviation

12. This international agreement was laid in the UK Parliament on 15 June 2022. Its scrutiny deadline, as required by the CRaG Act 2010, is 20 July 2022.

13. This agreement amends the Convention to increase the size of the Council of the ICAO to 40 members from 36 members. The Explanatory Memorandum for the agreement provides that this change will improve the representation and participation of ICAO members in guiding the work of ICAO, and reduce concerns that the Council does not represent the wide spectrum of ICAO members.

14. The Explanatory Memorandum also provides that its policy contents relate fully to reserved matters with no implications for the devolved governments. The UK Government has not consulted the devolved governments regarding the ratification of the agreement.

15. We noted the agreement for information only.

3. Correspondence relating to agreements previously considered

16. During our consideration of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (also known as the ‘Istanbul Convention’) at our meeting on 6 June 2022, we noted the information provided in its accompanying Explanatory Memorandum on the UK Government’s engagement with the devolved governments.² We agreed to write to the Welsh Government to seek its view on the accuracy of this information, and information on its compliance with the Convention.³

17. The Minister for Social Justice responded to our letter on behalf of the Welsh Government. The Minister said that, while she welcomed the UK Government’s decision to commence ratification proceedings for the Convention, the Welsh Government was given only three days to review the Explanatory Memorandum. The Minister explained that she had raised her “disappointment at the short timescales”, and “raised several concerns in writing to the Minister for Safeguarding”.⁴

18. The Minister outlined the concerns she raised in relation to policy and constitutional matters. Areas of particular interest to us relate to:

- plans to submit a reservation on Article 59 which relates to support for migrant victims of Violence Against Women, Domestic Abuse and Sexual Violence;
- the inclusion of paragraph 10.2 in the Explanatory Memorandum which covers Articles within the Convention that relate to reserved and devolved matters: the UK Government did not agree to the Minister’s request for its removal, or in the alternative, for her officials to be given time to consider an analysis of competence issues, and the Welsh Government therefore “reserved its position on legislative competence.”

19. The Minister also explained that annual progress reports will summarise the progress of both the UK Government and devolved administrations in their compliance with the Convention,

² [Legislation, Justice and Constitution Committee, 6 June 2022](#)

³ [Letter to the First Minister, 22 June 2022](#)

⁴ [Letter from the Minister for Social Justice, 5 July 2022](#)

and that the Welsh Government intends to “go beyond” the minimum standards required by the Convention.

20. The Committee noted the policy concerns raised by the Minister, which fall within the remit of the Equality and Social Justice Committee.

21. We considered the Minister’s response at our meeting on 11 July 2022.⁵ We agreed to share the response with the Senedd’s Equality and Social Justice Committee and the House of Lords International Agreements Committee, and to respond to the Welsh Government to request that we are kept updated on the areas of concern outlined in the Minister’s letter.

⁵ [Legislation, Justice and Constitution Committee, 11 July 2022](#)