

# International Agreements

Agreements considered on 29  
November 2021

December 2021



## 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 29 November 2021 we considered two international agreements that have recently been laid in the UK Parliament.<sup>1</sup>
6. The agreements we considered were:
  - International Labour Organisation: Violence and Harassment Convention 2019 (No. 190)
  - International Convention for the Control and Management of Ship's Ballast Water and Sediment
7. We agreed to take further action on one of the agreements and to note the other for information. Further details on each of the agreements are set out below.

---

<sup>1</sup> Legislation, Justice and Constitution Committee, 29 November 2021

---

## 2. Agreements requiring further action

### **International Labour Organisation: Violence and Harassment Convention 2019 (No. 190)**

**8.** This international agreement was laid in the UK Parliament on 15 November 2021. Its scrutiny deadline, as required by the CRaG Act 2010, is 15 December 2021.

**9.** The objective of the agreement is to eliminate violence and harassment in the world of work. The International Labour Organisation (ILO) is the United Nations' agency which sets labour standards, develops policies and devises programmes to promote "decent work for all women and men". It brings together governments, employers and workers from 187 member states. The UK Government is seeking to ratify the Convention, which it negotiated and adopted in June 2019, in order to "demonstrate continued international leadership on this important issue."

**10.** The Explanatory Memorandum states that the Convention covers both reserved and devolved areas and lists areas devolved to Northern Ireland and Scotland. It explains how the UK Government consulted the devolved governments on the drafting of the Convention and the preparation of the Memorandum, however, Wales receives no specific mention.

**11.** The Trade Union Congress, Confederation of British Industry and non-governmental organisations were also consulted and are strongly supportive of the UK's accession.

**12.** This agreement relates to violence and harassment in the world of work, which are reserved matters outside the scope of the Senedd's legislative competence. Schedule 7B to the Government of Wales Act 2006 (the 2006 Act) provides that a provision of an Act of the Senedd cannot make modifications of, or create an offence in a listed category. The listed categories of offences include offences against the person (including offences involving violence or threats of violence) and sexual offences. Employment matters are also reserved, subject to limited exceptions in Schedule 7A to the 2006 Act.

**13.** We noted the agreement and agreed to draw it to the attention of the Equality and Social Justice Committee.

### 3. Agreements noted for information

#### **International Convention for the Control and Management of Ship's Ballast Water and Sediment**

**14.** This international agreement was laid in the UK Parliament on 8 November 2021. Its scrutiny deadline, as required by the CRaG Act 2010, is 13 December 2021.

**15.** The objective of this agreement is to prevent, minimize and ultimately eliminate the transfer of harmful aquatic organisms and pathogens to prevent the spread of invasive non-native species through the control and management of ships' ballast water and sediments.

**16.** The Explanatory Memorandum notes that, as shipping is a reserved matter, the UK Government did not consult the devolved governments on its drafting. It states that the devolved governments were consulted on the draft Regulations, Merchant Shipping Notice and Marine Guidance Notice designed to implement the Convention.

**17.** This agreement relates to shipping which is a reserved matter as provided by paragraph 120 of Schedule 7A to the 2006 Act. This agreement therefore relates to a matter outside the Senedd's legislative competence.

**18.** We noted the agreement for information only.

### 4. Correspondence relating to agreements previously considered

**19.** Following our meeting on 1 November 2021 we agreed to write to the Welsh Government to seek further information regarding the UK/Switzerland: Convention on social security coordination, specifically:

- the Welsh Government's assessment of the agreement's implications on devolved competence;
- whether the Welsh Government agrees with the UK Government's assessment of reserved and devolved matters in the agreement;
- whether the Welsh Government will be represented in the new UK-Swiss governance mechanisms created by the agreement, particularly in relation to attendance at the Joint Administrative Committee when devolved matters are discussed;

- what plans are in place for the Welsh Government to implement the agreement, if any, including timescales;
- whether the Welsh Government is satisfied with the level and frequency of consultation with the UK Government during the negotiation of this agreement, as described in the Explanatory Memorandum.

**20.** The First Minister responded on 23 November 2021. In addition to responding to our questions, the First Minister also informed us that the Welsh Government is of the view “that international agreements are reserved to the UK Government and the Devolved Administrations are required to implement and observe them irrespective of the implications on devolved competence or for Welsh bodies.”

**21.** We considered this response at our meeting on 29 November 2021 and agreed to share it with the Health and Social Care Committee.