

International agreements

Agreements considered on
7 May 2024

June 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 7 May 2024,¹ we considered eight international agreements that had recently been laid in the UK Parliament:
 - UK/Denmark: Agreement on the Participation in Certain Elections of Nationals of Each Country Resident in the Territory of the Other
 - UK/European Forest Institute: Host Country Agreement
 - Convention on the Establishment of the 'Global Combat Air Programme – GCAP International Government Organisation'
 - UK/Hungary: Agreement concerning the Protection of Classified Information
 - UK/Saudi Arabia: Air Services Agreement
 - UK/Bahrain: Agreement concerning Air Services
 - The Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters

¹ Legislation, Justice and Constitution Committee, 7 May 2024

- Amendment of the Articles of Agreement of the International Bank for Reconstruction and Development (IBRD) to remove the Statutory Lending Limit (SLI)

6. We agreed to take further action in relation to two of these agreements. Details on each of the agreements, and our respective actions, are set out below.

7. We also considered and noted correspondence regarding international agreements that we have considered previously.

2. Agreements requiring further action

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

- 8.** This international agreement was laid in the UK Parliament on 8 February 2024. Its scrutiny deadline, as required by the CRaG Act 2010, was 25 March 2024.
- 9.** This agreement provides the right for Danish nationals in the UK to stand and vote in local elections (and vice versa).
- 10.** The UK's exit from the European Union (EU) changed the voting and candidacy rights of UK nationals in EU Member States, and resident EU citizens in the UK.
- 11.** Following the UK's exit from the EU, the rights of UK nationals resident in the EU are now dependent on the electoral rules of the Member State concerned. The automatic rights of resident EU citizens in the UK to vote in local elections expired on 7 May 2024 (that being the date on which the franchise change made by the *Elections Act 2022* (the 2022 Act) was commenced). As a result, EU nationals will only be able to register and vote in local government elections in England if they are a qualifying EU citizen or a EU citizen with retained rights. A person is a qualifying EU citizen if they are a citizen of a EU Member State with which the UK has an agreement like this one in place, regarding voting and candidacy rights.
- 12.** However, in Wales, a relevant citizen of the European Union or a qualifying foreign citizen is entitled to vote as an elector at local government elections in Wales, following changes made by the 2022 Act to the *Representation of the People Act 1983* (the 1983 Act). Qualifying foreign citizens, as defined by section 202 of the 1983 Act, are entitled to vote in Senedd elections (section 11 of the *Senedd and Elections (Wales) Act 2020*). In Scotland, qualifying foreign citizens may also vote in local government elections in Scotland, and Scottish Parliamentary elections.
- 13.** The Explanatory Memorandum confirms that no new devolved legislation is required to implement the agreement. However, a statutory instrument will

amend the 2022 Act to reflect the agreement, so that Danish citizens will be recognised as qualifying EU citizens, enabling them to stand and vote.²

14. The Explanatory Memorandum confirms that the content of the agreement contains matters devolved to Wales, and acknowledges that the Welsh Government allows all legally resident foreign nationals to participate in local elections, including citizens of Denmark.

15. It notes that no devolved legislation is required to implement the voting and candidacy elements of the agreement in Wales, and that:

“The Scottish Government and Welsh Government were consulted and are content with the approach of the Treaty. The UK Government shared the relevant draft text in advance of signature.”³

16. In July 2019, the former First Minister wrote to the Llywydd to highlight his concerns around the modification arrangements in the UK’s reciprocal voting agreements with individual EU Member States.⁴

17. The former First Minister stated that the UK Government is “constraining the devolved administrations’ legislative and executive competence”, as a future Senedd would be unable to legislate to remove the franchise from such citizens. He also emphasised the need for a process to remove Wales from this mechanism should a future Senedd adopt this political position.⁵

18. We agreed to write to the Welsh Government to seek its assessment of the agreement and request an update on:

- whether the issue raised by the former First Minister is resolved;
- if the issue is unresolved, had it considered the use of any legislative means, such as the tabling of amendments to the Elections and Elected Bodies (Wales) Bill, to seek its resolution;
- whether it had considered the use of emergency legislation to reverse any potential legislative action by the UK Government to remove or limit the

² UK Government, [Explanatory Memorandum: UK/Denmark: Agreement on the Participation in Certain Elections of Nationals of Each Country Resident in the Territory of the Other](#), February 2024, paragraph 5.1

³ Explanatory Memorandum: UK/Denmark: Agreement on the Participation in Certain Elections of Nationals of Each Country Resident in the Territory of the Other, paragraph 10

⁴ [Letter from the First Minister to the Business Committee](#), 3 July 2019

⁵ [Letter from the First Minister to the Business Committee](#), 3 July 2019

entitlement of nationals from a particular EU Member State, to stand and vote in any UK local elections, so to enable those citizens to continue to be enfranchised in devolved Welsh elections.

19. We subsequently wrote to the First Minister on 16 May 2024, and drew the correspondence to the attention of the Equality and Social Justice Committee, due to its monitoring work on citizens' rights under the UK-EU Withdrawal Agreement. We also drew the Llywydd's attention to this latest development in electoral law in Wales.

UK/European Forest Institute: Host Country Agreement

20. This international agreement was laid in the UK Parliament on 21 March 2024. Its scrutiny deadline, as required by the CRaG Act 2010, was 14 May 2024.

21. The purpose of this agreement is to provide the European Forestry Institute (EFI) with the privileges and immunities necessary for it to function effectively within the UK.

22. The EFI is an international organisation set up to conduct research and provide policy advice on forest-related issues. The UK signed the EFI Convention in 2003 and sits on its Council.⁶

23. In order to enable increased collaboration with the organisation including establishing a UK office, it is necessary to grant EFI a certain set of privileges and immunities covering its UK activities.

24. The Explanatory Memorandum confirms that secondary legislation is needed to implement the agreement.⁷

25. The UK's membership of international organisations and the conferral of privileges and immunities under international law are reserved to the UK Government.

26. The Explanatory Memorandum states that the UK Government consulted the devolved governments on operational matters that may be devolved, such as justice or policing, and references only the Scottish Government.⁸

⁶ UK Government, [Explanatory Memorandum: UK/European Forest Institute: Host Country Agreement](#), March 2024, paragraph 3.1

⁷ Explanatory Memorandum: UK/European Forest Institute: Host Country Agreement, paragraph 5.1

⁸ Explanatory Memorandum: UK/European Forest Institute: Host Country Agreement, paragraph 10

27. As justice and policing are reserved matters, the agreement will not impact on devolved matters in the same way as it may impact on the Scottish Government's areas of responsibility.

28. Although the matters covered by the agreement are reserved, the Committee agreed to notify the Climate Change, Environment and Infrastructure Committee of the agreement, given that Committee's interest in forestry as a devolved matter.

3. Agreements noted for information

Convention on the Establishment of the 'Global Combat Air Programme - GCAP International Government Organisation'

29. This international agreement was laid in the UK Parliament on 26 February 2024. Its scrutiny deadline, as required by the CRaG Act 2010, was 16 April 2024.

30. The purpose of the agreement is to establish the Global Combat Air Programme (GCAP) International Governmental Organisation (GIGO) and the legal framework in which it will operate. According to the agreement's Explanatory Memorandum, the GCAP is an international partnership between the UK, Japan and Italy "to deliver a next generation [combat] aircraft by 2035."⁹

31. The Explanatory Memorandum also states that secondary legislation will be required to be prepared by the UK Government and the Scottish Government in order to implement the agreement.¹⁰

32. The Welsh Government was not consulted on the drafting of the agreement as it "relates fully to a reserved matter with no direct implications for the Devolved Administrations".¹¹

33. As this international agreement relates to a matter that is not devolved to the Senedd, namely aviation, we agreed to note this agreement for information only.

UK/Hungary: Agreement concerning the Protection of Classified Information

34. This international agreement was laid in the UK Parliament on 13 March 2024. Its scrutiny deadline, as required by the CRaG Act 2010, was 2 May 2024.

35. The purpose of the agreement is to provide a legal basis for the protection of classified information exchanged between the UK and Hungary, which could include subjects such as defence, law enforcement, counter-terrorism and security. The Explanatory Memorandum to the Agreement states that it does not oblige either Party to provide classified information to the other; it only provides a

⁹ UK Government, Explanatory Memorandum on the Convention on the Establishment of the 'Global Combat Air Programme - GCAP International Government Organisation', February 2024

¹⁰ Explanatory Memorandum, paragraph 5

¹¹ Explanatory Memorandum, paragraph 10

legal mechanism for Government authorities, and companies under classified contract, to facilitate any exchanges.¹²

36. The Explanatory Memorandum also states that no new domestic legislation is required to bring the Agreement into force.¹³

37. The Welsh Government was not consulted on the drafting of the agreement since it relates to a reserved matter with “no implications” for the devolved governments.¹⁴

38. As this international agreement relates to matters that are not devolved to the Senedd, namely national security, we agreed to note this agreement for information only.

UK/Saudi Arabia: Air Services Agreement

39. This international agreement was laid in the UK Parliament on 21 March 2024. Its scrutiny deadline, as required by the CRaG Act 2010, was 14 May 2024.

40. The purpose of the agreement is to provide the legal framework in international law for air services between and beyond the UK and Saudi Arabia.

41. The Explanatory Memorandum to the agreement states that no new legislation is required to implement the agreement.¹⁵

42. The Explanatory Memorandum also states that the agreement does not relate to a devolved matter, however:

“... it impacts upon air services between the Devolved Administrations and Saudi Arabia, and the Devolved Administrations have been kept aware of the UK’s new air services agreements and no concerns have been raised regarding this Agreement.”¹⁶

¹² UK Government, [Explanatory Memorandum on the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Hungary concerning the Protection of Classified Information](#), March 2024

¹³ Explanatory Memorandum, paragraph 5.1

¹⁴ Explanatory Memorandum, paragraph 10.1

¹⁵ UK Government, [Explanatory Memorandum on the Air Services Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Saudi Arabia](#), March 2024, paragraph 5.1

¹⁶ Explanatory Memorandum, paragraph 10.1

43. As this international agreement relates to matters that are not devolved to the Senedd, namely aviation, we agreed to note this agreement for information only.

UK/Bahrain: Agreement concerning Air Services

44. This international agreement was laid in the UK Parliament on 22 March 2024. Its scrutiny deadline, as required by the CRaG Act 2010, was 15 May 2024.

45. The purpose of the agreement is to provide the legal framework in international law for air services between and beyond the UK and Bahrain.

46. The Explanatory Memorandum to the agreement states that no new legislation is required to implement the agreement.¹⁷

47. The Explanatory Memorandum also states that the agreement does not relate to a devolved matter, however:

“... it impacts upon air services between the Devolved Administrations and Bahrain, and the Devolved Administrations have been kept aware of the UK’s new air services agreements and no concerns have been raised regarding this Agreement.”¹⁸

48. As this international agreement relates to matters that are not devolved to the Senedd, namely aviation, we agreed to note this agreement for information only.

The Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters

49. This international agreement was laid in the UK Parliament on 25 March 2024. Its scrutiny deadline, as required by the CRaG Act 2010, was 16 May 2024.

50. The purpose of the agreement is to provide a framework of common rules to facilitate the recognition and enforcement of judgments from one Contracting State to another and requires those states to recognise and enforce civil and commercial judgments within the Convention’s scope.

¹⁷ UK Government, [Explanatory Memorandum on the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Bahrain concerning Air Services](#), March 2024, paragraph 5.1

¹⁸ Explanatory Memorandum, paragraph 10.1

51. The Explanatory Memorandum for the agreement states that it will be implemented into UK using the powers in the *Private International Law (Implementation of Agreements) Act 2020*. It also states that the agreement's implementation will require court rules to be amended in all three UK jurisdictions.¹⁹

52. With respect to devolution, the Explanatory Memorandum states:

*"The territorial application of the Convention is intended to be the whole of the UK. As the implementation of such agreements is a devolved matter for Scotland and Northern Ireland, officials from the Ministry of Justice are working closely with the Devolved Governments to ensure that the Convention can be implemented, and thus applied, UK-wide."*²⁰

53. It also states:

*"The Convention relates to an area of private international law, which is devolved to Scotland and Northern Ireland, and is reserved in respect to Wales, and the UK Government consulted the Devolved Governments on the Convention and shared the relevant draft text in advance of signature."*²¹

54. As this international agreement relates to matters that are not devolved to the Senedd, namely private international law, we agreed to note this agreement for information only.

Amendment of the Articles of Agreement of the International Bank for Reconstruction and Development (IBRD) to remove the Statutory Lending Limit (SLL)

55. This international agreement was laid in the UK Parliament on 25 March 2024. Its scrutiny deadline, as required by the CRAg Act 2010, was 16 May 2024.

56. The purpose of the agreement is to remove the statutory lending limit of the International Bank for Reconstruction and Development (IBRD) as part of the implementation of the recommendations of its capital adequacy framework review.

¹⁹ UK Government, [Explanatory Memorandum on the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters](#), March 2024, paragraphs 5.1-5.2

²⁰ Explanatory Memorandum, paragraph 6.1

²¹ Explanatory Memorandum, paragraph 10.1

57. The Explanatory Memorandum for the agreement states that no implementing legislation is required, and as its policy content relates fully to a reserved matter the devolved governments were not consulted on its drafting.²²

58. As this international agreement relates to matters that are not devolved to the Senedd, namely financial services and banking, we agreed to note this agreement for information only.

²² UK Government, [Explanatory Memorandum on the Amendment of the Articles of Agreement of the International Bank for Reconstruction and Development \(IBRD\) to remove the Statutory Lending Limit \(SLL\)](#), March 2024, paragraphs 5 and 10

4. Correspondence relating to agreements previously considered

UK/Rwanda: Agreement for the Provision of an Asylum Partnership to Strengthen Shared International Commitments on the Protection of Refugees and Migrants

59. Following our consideration of the above agreement at our meeting on 8 January 2024, we wrote²³ to the Welsh Government to seek its view on specific matters arising from the agreement and its implementing Safety of Rwanda (Asylum and Immigration) Bill, including international obligations and the Sewel Convention.

60. The former First Minister, the Rt Hon Mark Drakeford MS, wrote to us in response on 21 February 2024, and stated:

“Welsh Ministers have repeatedly stated in recent years – and it remains our view – that proposals to detain and remove everyone arriving via irregular means are not workable or ethical. We have been clear that an effective system requires compliance with the UN Refugee Convention and the European Convention on Human Rights, effective returns agreements with safe countries where connections exist, and sufficient safe and legal routes to the UK.”²⁴

61. He also stated that as he considered the contents of the agreement and the Bill (now Act) to both relate to reserved matters, the Sewel Convention is not engaged.

62. However, he stated that the Welsh Government “remain[s] concerned that the Home Secretary cannot state that the Bill is compatible with the European Convention on Human Rights and the Supreme Court’s judgement should make clear whether Rwanda is safe.”

²³ [Letter to the First Minister, 26 January 2024](#)

²⁴ [Letter from the First Minister, 21 February 2024](#)

UNESCO's 2003 Convention for the Safeguarding of the Intangible Cultural Heritage (ICH)

63. Following our consideration of the above agreement at our meeting on 5 February 2024, we shared our analysis of the agreement with the Culture, Communications, Welsh Language, Sport and International Relations (CCWLSIR) Committee.²⁵

64. The CCWLSIR Committee subsequently wrote to both the UK Government²⁶ and the Welsh Government²⁷ to seek more information about the Convention, including practical arrangements and potential benefits to Wales.

65. In response, the UK Government Minister for Arts and Heritage stated that he had been “working closely” with the devolved administration in preparation for the agreement’s ratification.²⁸

66. On behalf of the Welsh Government, the then Deputy Minister for Arts, Sport and Tourism, Dawn Bowden MS, stated that it welcomed the UK Government’s proposal to ratify the agreement, describing it as:

“... an opportunity to raise awareness and the profile of Intangible Cultural Heritage (ICH) in Wales for the benefit of current and future generations and to showcase the diverse traditions and heritage that exist here.”²⁹

²⁵ Legislation, Justice and Constitution Committee, [5 February 2024](#), Minutes

²⁶ [Letter from the Chair of the Culture, Communications, Welsh Language, Sport and International Relations Committee to the Secretary of State for Culture, Media and Sport, 9 February 2024](#)

²⁷ [Letter from the Chair of the Culture, Communications, Welsh Language, Sport and International Relations Committee to the First Minister, 9 February 2024](#)

²⁸ [Letter from the Minister for Arts and Heritage to the Chair of the Culture, Communications, Welsh Language, Sport and International Relations Committee, 8 March 2024](#)

²⁹ [Letter from the Deputy Minister for Arts, Sport and Tourism to the Chair of the Culture, Communications, Welsh Language, Sport and International Relations Committee, 6 March 2024](#)
