

Wales and Europe Article Collection

Committee of the Regions-UK Contact Group, 18 March 2022



The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people. Commonly known as the Senedd, it makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

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Wales and Europe

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Senedd Research provides impartial, authoritative information on the latest topics under consideration at the Welsh Parliament. This collection of articles sets out Wales' relationship with Europe and the world for delegates of the sixth meeting of the European Union's Committee of the Regions - UK Contact Group.

The Senedd is the first institution to host the Contact Group in the UK. Its representatives on the group are Laura Jones MS and Alun Davies MS.

The Group brings together members from the Committee of the Regions with members from UK institutions and organisations who were members of the Committee of the Regions before Brexit.

Its purpose is to form a continuing dialogue and partnership between the EU and UK regions and authorities and to strengthen links between them. It seeks to discuss common challenges and opportunities arising from the UK-EU agreements and to find new opportunities for collaboration in areas such as research, economic development, tourism and trade.

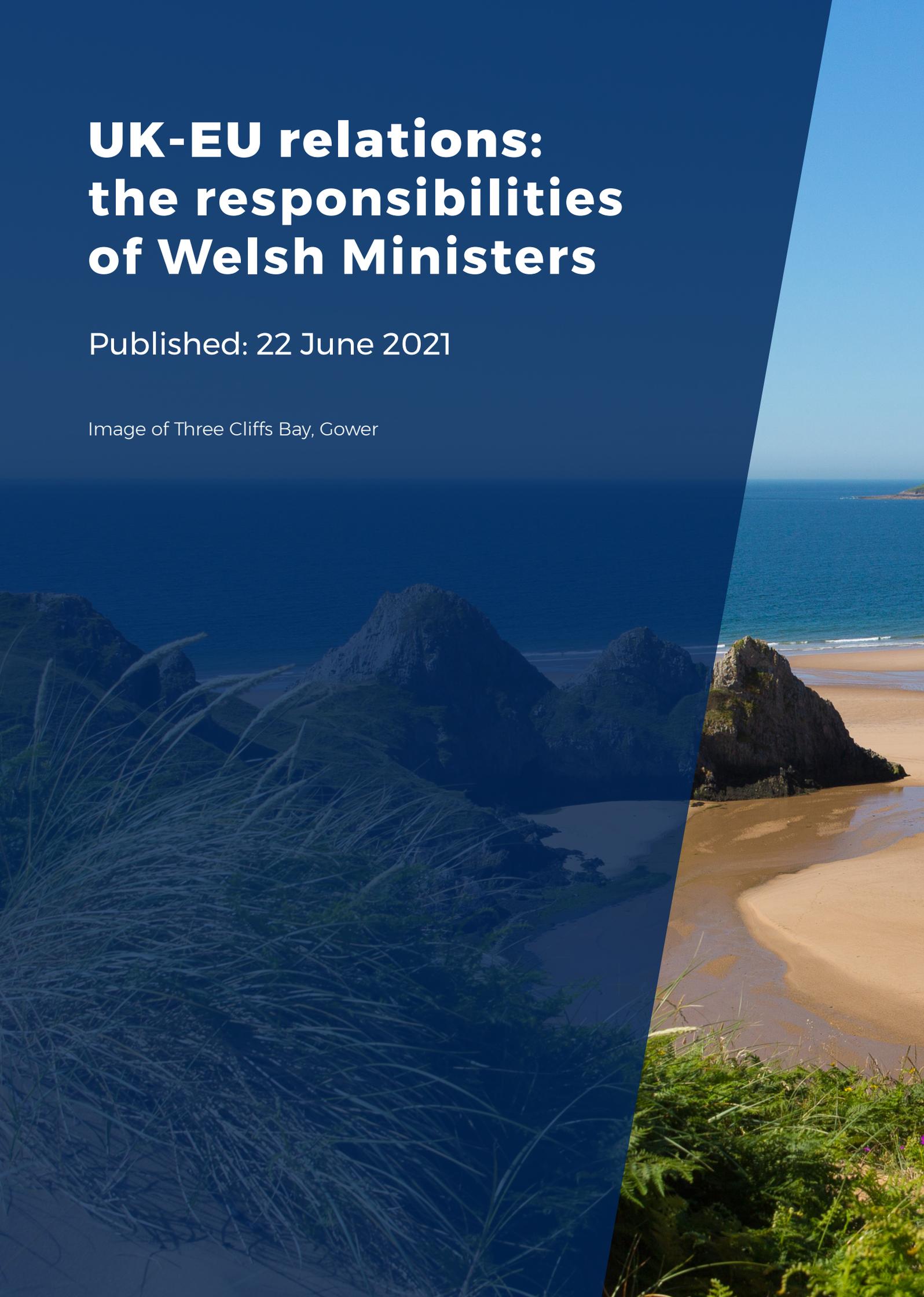
The Group is chaired by the President of Brittany, Lögic Chesnais-Girard, and is comprised of representatives from:

- Ireland, France, Poland, Germany, Belgium, Netherlands, Czech Republic, Denmark, Spain and Portugal;
- the Government of Gibraltar;
- the Senedd, the Scottish Parliament, and the Northern Ireland Assembly; and
- local government organisations from Wales, England, Scotland and Northern Ireland.

UK-EU relations: the responsibilities of Welsh Ministers

Published: 22 June 2021

Image of Three Cliffs Bay, Gower





1. UK-EU relations: the responsibilities of Welsh Ministers

Published: 22 June 2021

UK-EU relations are mainly governed by two key treaties:

1. The **Withdrawal Agreement** sets the terms for the UK's withdrawal from the EU.
2. The **Trade and Cooperation Agreement** sets up their new relationship

Both treaties contain devolved matters, for which the Welsh Government is responsible for implementing, such as fisheries, health, the economy and the environment. Our recent article gives an overview of the new relationship and how it affects life in Wales.

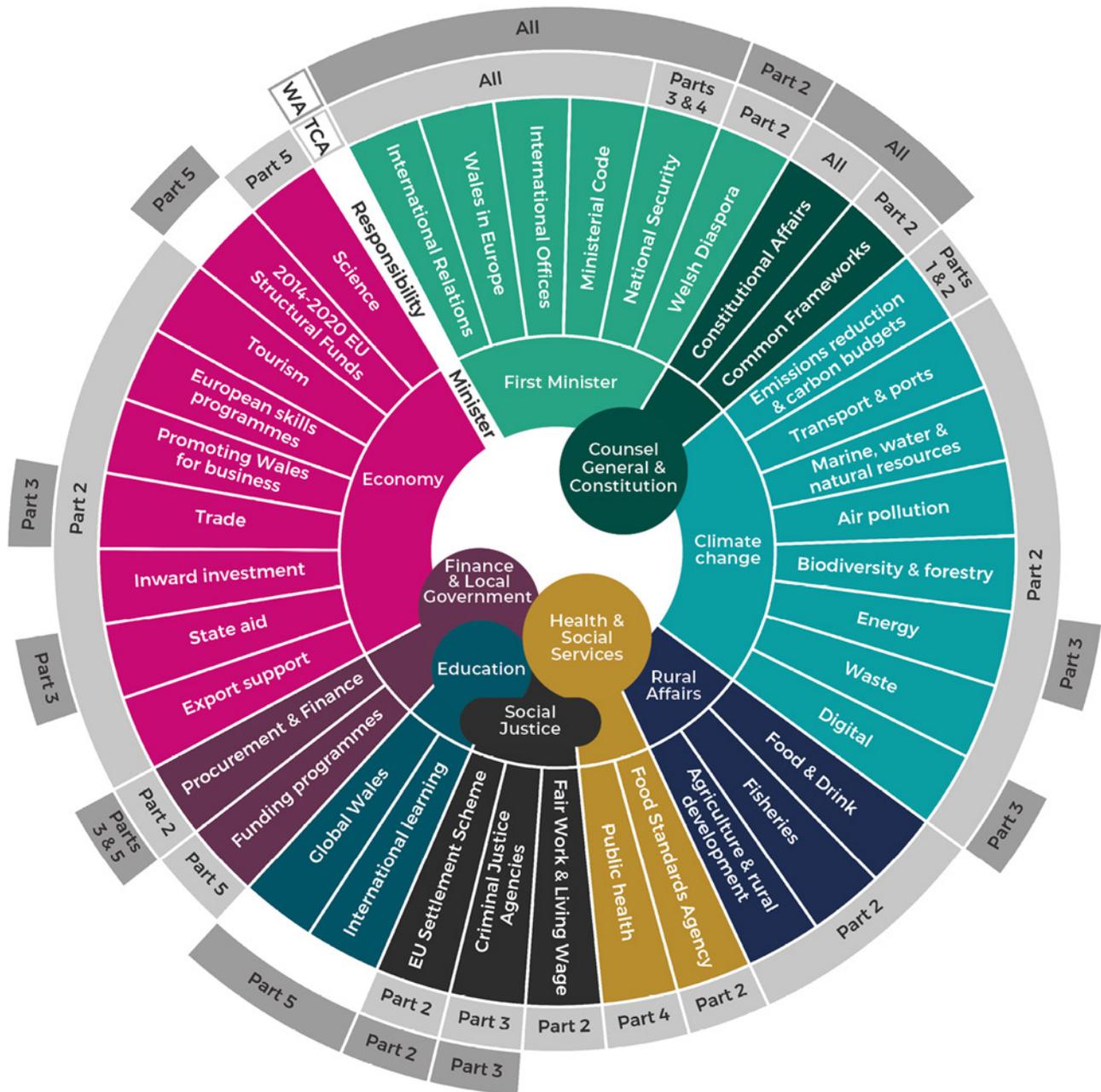
The First Minister announced his new cabinet in May 2021. Every new Welsh Government Minister has responsibilities to deliver the new UK-EU arrangements, albeit some more so than others.

The areas covered by the two treaties fall across every Welsh Government department, as do their obligations and implications.

Our infographic on the next page shows each Minister and where their responsibilities intersect with the main parts of the Trade and Cooperation Agreement (TCA) and the Withdrawal Agreement.

This will require UK-EU relations to be embedded across all parts of the Welsh Government and the Senedd will closely scrutinise this approach.

UK-EU relations: the responsibilities of Welsh Ministers



*Both treaties are highly complex and contain cross-cutting elements. This infographic has been created by Senedd Research for the purpose of illustrating the Welsh Government Minister with lead responsibility for each main area.

A seat at the table: representing Wales in the new UK-EU relationship

Published: 2 December 2021

Image of Tenby, Pembrokeshire





2. A seat at the table: representing Wales in the new UK-EU relationship

Published: 2 December 2021

UK-EU relations are mainly governed by two key treaties:

1. **The Withdrawal Agreement** sets the terms for the UK's withdrawal from the EU.
2. The **Trade and Cooperation Agreement** sets up their new relationship

Both treaties contain devolved matters (such as fisheries, health, the economy and the environment) which the Welsh Government is responsible for implementing.

Together, they establish 32 new forums for the UK and EU to discuss and decide on how to implement the agreements, **including on matters** which are devolved to and/or affect Wales. This process is **only just beginning** and **the Welsh Government** and **stakeholders** have emphasised the importance of Wales having a seat at the table.

While the UK is mainly represented by the UK Government, the devolved governments have attended some meetings. The EU is represented by the European Commission, although the **EU has agreed internal arrangements** to allow Member States to attend.

This article sets out the new arrangements and explains how Wales has been represented so far. Our previous articles give an **overview of the TCA** and show the **responsibilities of Welsh Ministers** in UK-EU relations.

Withdrawal Agreement

The **Withdrawal Agreement (WA)** establishes eight new UK-EU forums. The main forum is the Joint Committee which is supported by six Specialised Committees on:

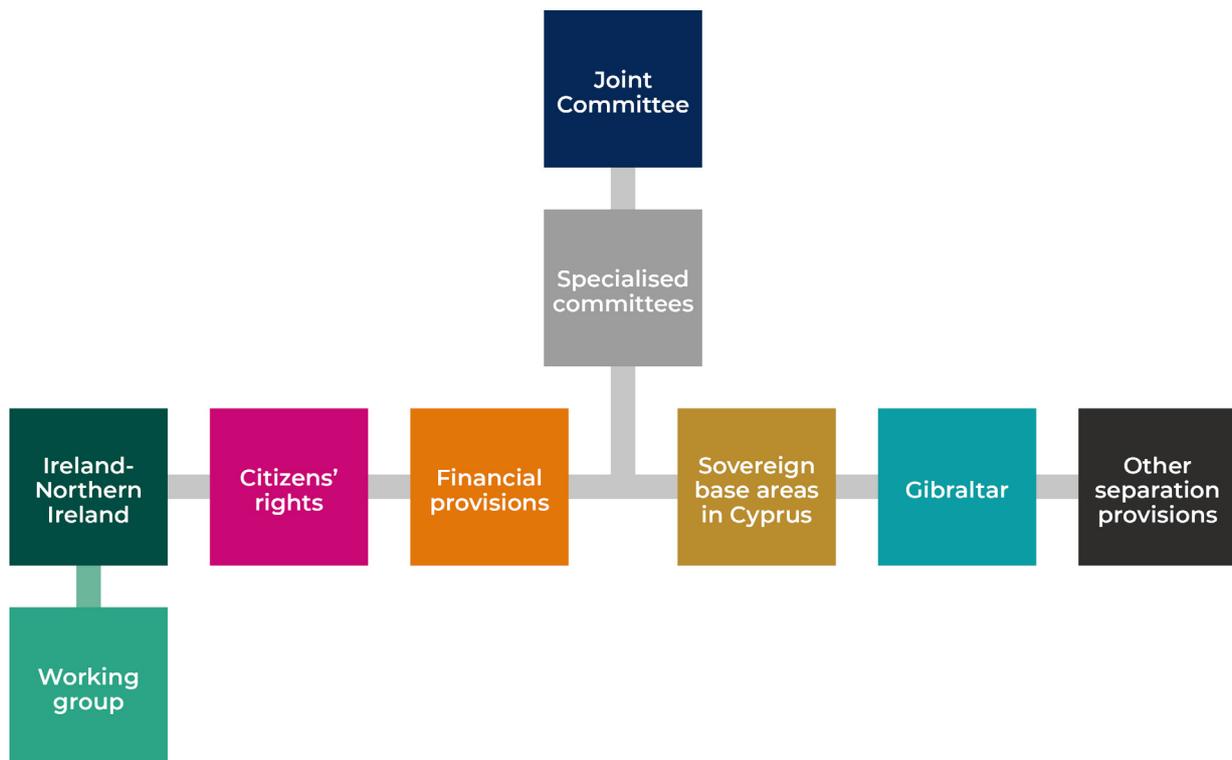
- Citizens' rights;
- Protocol on Ireland/Northern Ireland;
- Protocol relating to the Sovereign Base Areas in Cyprus;
- Protocol on Gibraltar;
- Financial provisions; and

- Other separation provisions.

An additional joint consultative working group was established to assist the Specialised Committee on the Northern Ireland Protocol.

Our infographic shows the UK-EU forums established by the Withdrawal Agreement.

UK-EU forums: Withdrawal Agreement



To date, there have been eight meetings of the Joint Committee, whose **2020 Annual Report** was published in July. The report provides an overview of Withdrawal Agreement activity from when it came into force on 1 February 2020 until the end of the transition period on 31 December 2020.

Trade and Cooperation Agreement

The **Trade and Cooperation Agreement (TCA)** establishes 24 new UK-EU forums with the option to establish more.

Oversight

The main forum is the Partnership Council which is supported by:

- 11 Trade Committees, made up of one Trade Partnership Committee and 10 Trade Specialised Committees;
- Eight Specialised Committees on non-trade areas, such as energy, fisheries and transport; and
- Four Working Groups to support committees on specific matters, such as medicinal products. More Working Groups can be established, as is being considered by the **Specialised Committee on Fisheries**.

Civil society

The TCA establishes mechanisms for the EU and UK to engage civil society jointly and in their own capacity. This will be via:

- A new joint UK-EU Civil Society Forum; and
- Direct consultation with their own Domestic Advisory Groups (DAG), which may attend the Forum.

The UK Government **consulted** on engagement with business and civil society groups and issued an **Expression of Interest for membership** for a single UK DAG.

Joint UK-EU parliamentary forum

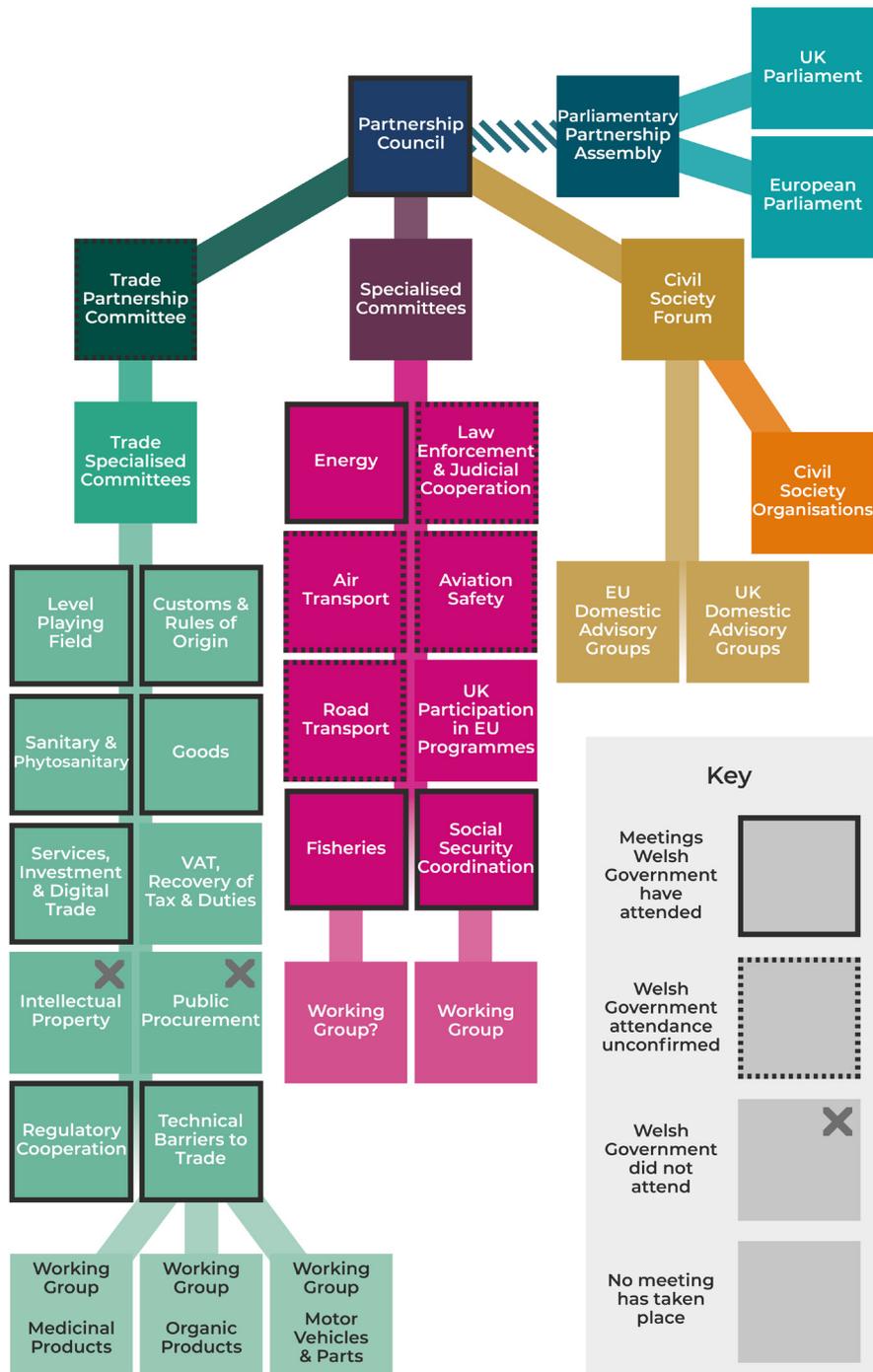
The TCA includes an option to establish a Parliamentary Partnership Assembly (PPA) between the UK and European Parliaments. The PPA would be able to make recommendations and request information of the Partnership Council and will be informed of its decisions.

On 21 September, the UK Parliament's representatives, Lord Kinnoull and Sir Oliver Heald, **responded** to a **request from committees** in the devolved legislatures, saying they would "seek to involve" them in the work of the PPA. On 16 November, the **House of Lords confirmed** that the UK delegation will comprise of 21 MPs and 14 Lords members and that "observers" from the devolved legislatures will be invited to attend, subject to the agreement of the European Parliament.

The European Parliament formally **agreed to appoint** its delegation, to **consist of 35 members**, on 5 October.

Our infographic on the next page shows the new UK-EU forums established by the TCA and whether the Welsh Government has attended.

Welsh Government attendance at UK-EU forums established by the TCA



Devolved governments

It is for the UK and EU to determine their own delegations for meetings. On 1 July, the UK Government **confirmed** that the number of members of each delegation will vary in number, depending on the agenda.

This followed a **letter from the UK Government's Lord David Frost** to the devolved governments, which set out how he intends to involve them in UK-EU forums established by both agreements.

The letter confirmed that most forums would be co-chaired by officials from the corresponding lead Whitehall Department, supported by Lord Frost's Cabinet Office team, but that devolved governments could attend where items of devolved competence are on the agenda.

However, this is subject to the final discretion of the UK co-chair. Preparation for such meetings should also involve **representatives from the devolved governments** "as a matter of normal practice."

Use the drop-down menus below to find out more about Welsh Government attendance at UK-EU meetings.

Partnership Council (TCA) and Joint Committee (WA)

On 9 June, the first meeting of the TCA's Partnership Council took place. The **Welsh Government's** Minister for Economy, Vaughan Gething, attended as an observer. After the meeting, he **wrote to Lord Frost** describing this as a "deeply unsatisfactory" position which the "Welsh Government cannot credibly support".

On the WA's Joint Committee meetings, which the Welsh Government does not attend, the Minister reiterated his request to attend when matters relating to Northern Ireland are discussed, given their implications for Welsh ports. On 23 November, the First Minister confirmed this **request has been denied**.

TCA committees

The UK delegation to TCA committees has included **officials from the Welsh Government** for the first meetings on social security coordination, energy, fisheries and most trade-related meetings.. They were not part of the UK delegation at the **meeting on public procurement**, a devolved area, nor on intellectual property, a reserved matter.

Attendee information for the **remaining meetings** that have since taken place is not yet publicly available.

Direct contact between the devolved governments and the EU

Lord Frost's letter emphasised that the devolved governments should inform the UK Government of the "fact and content" of their direct contact with EU institutions and/or Member States.

Direct contact between Wales and the EU has continued. In January, the First Minister **wrote to European Commission President**, Ursula von der Leyen, to set out a "positive vision" for constructive Wales-EU engagement. He also **recently advised** the Senedd how Welsh Government officials maintain formal contact with EU institutions and MEPs, and that:

The imminent appointment of the Welsh Government's Representative on Europe [...] will add a positive and significant extra dimension to this.

Stakeholders have raised the importance of Welsh representation in TCA structures. In a **joint consultation response**, the Wales Governance Centre and Wales Council for Voluntary Action told the Senedd that:

Given the intersections between the TCA and devolved competence, it is important that UK representation in [UK-EU] structures is inclusive of perspectives from Wales.

The Senedd will continue to monitor how Wales is represented in the new UK-EU relationship.

Remaining in Wales? Almost 100,000 Europeans learn if they can stay

Published: 11 March 2022

Image of Pontsticill Reservoir, Brecon Beacons National Park





3. Remaining in Wales? Almost 100,000 Europeans learn if they can stay

Published: 11 March 2022

European citizens living in Wales before Brexit needed to apply to stay by 30 June 2021. Over 6.4 million applications had been made to the UK Government's EU Settlement Scheme (EUSS) by 31 January 2022. The EUSS remains open to receive **late applications** and second applications from those seeking to convert a temporary status to a permanent one.

European citizens' rights are protected by the UK-EU **Withdrawal Agreement**, and other agreements with **non-EU countries**, as part of Brexit. The UK and EU disagree on how the treaties are interpreted. The Welsh Government's **Minister for Social Justice, Jane Hutt**, is responsible for EUSS-related activities in Wales.

This article looks at applications from European citizens living in Wales using the latest statistics (to 31 December 2021). It explains the ongoing UK-EU dispute over the rights of their citizens and summarises some developments closer to home.

Our **previous article covers** applications received immediately after the deadline.

Overview

104,040 applications were received from Wales, including **18,060 applications** for those aged under 18. **99,860 applications** were decided by the end of 2021.

Successful applicants are granted either 'settled' or 'pre-settled' status

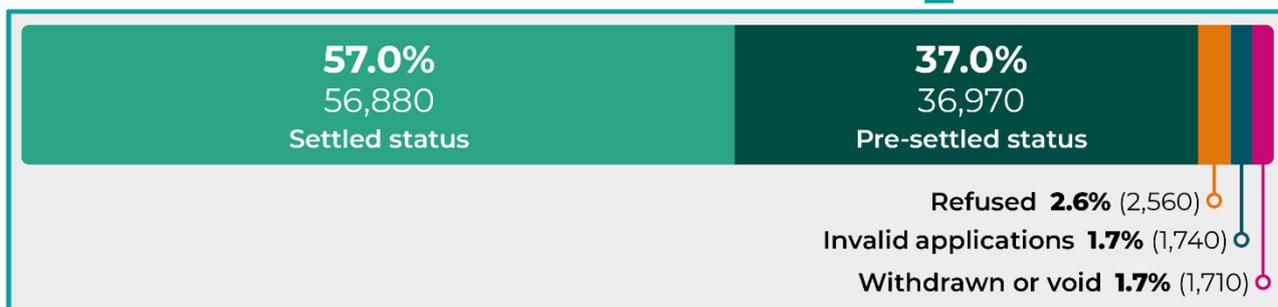
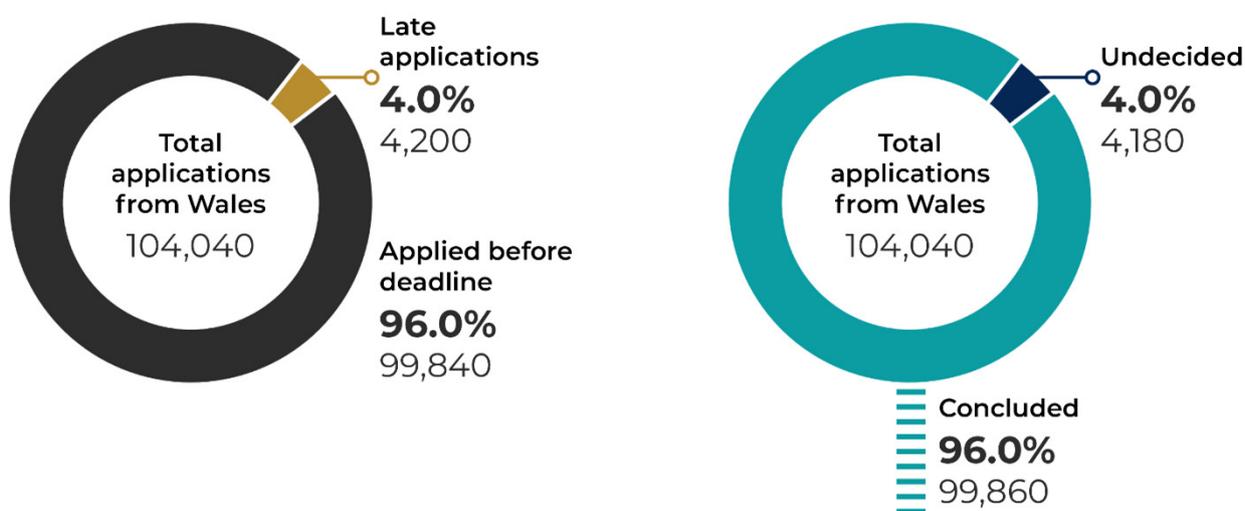
Settled status: European citizens who have lived in the UK for more than five years are granted settled status and can remain in Wales indefinitely, with some exceptions.

Pre-settled status: European citizens who have lived in the UK for less than five years, but arrived before 31 December 2020, are granted pre-settled status. This expires after five years and **must be converted to settled status via a second application**. Failure to reapply results in the automatic loss of a person's right to work, access housing, education and benefits, and they could be liable for removal from the UK.

This is **contested by the EU** and is also **being challenged** domestically by the body responsible for monitoring European citizens' rights in the UK, the Independent Monitoring Authority (IMA).

Our infographic shows the percentage and number of applications from Wales. It shows whether they were received before or after the deadline, whether they received a decision and the outcome.

EUSS applications from Wales by date, concluded applications and outcomes by percentage and number

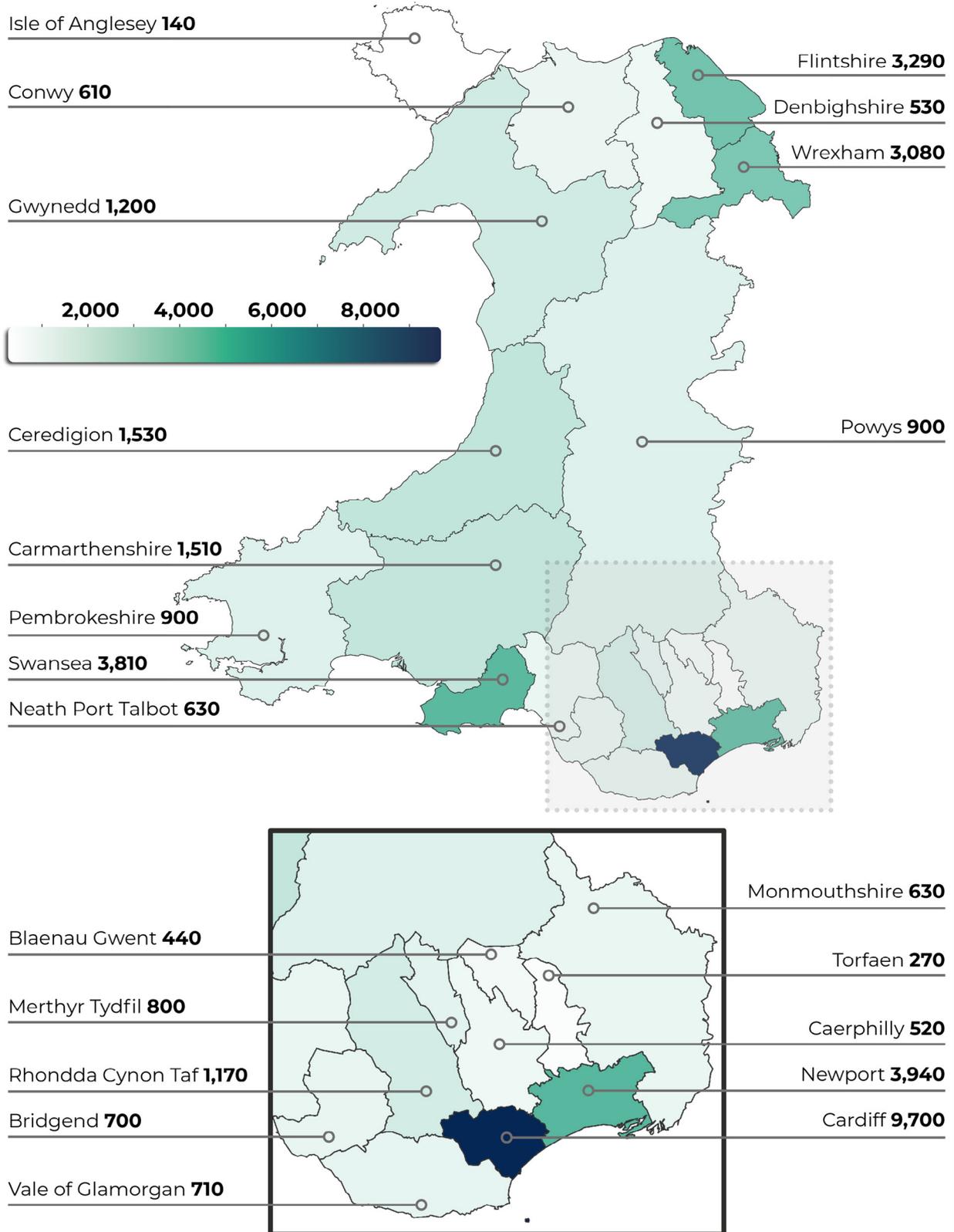


Source: UK Government [EU Settlement Scheme quarterly statistics, December 2021](#)

Pre-settled citizens

Pre-settled status expires after five years. This means that the 36,970 pre-settled citizens in Wales will need to make a second application for settled status if they want to stay beyond five years.

The interactive map below shows the number of pre-settled citizens in each **Welsh local authority area** as of 31 December 2021:



Source: UK Government **EU Settlement Scheme quarterly statistics, December 2021**

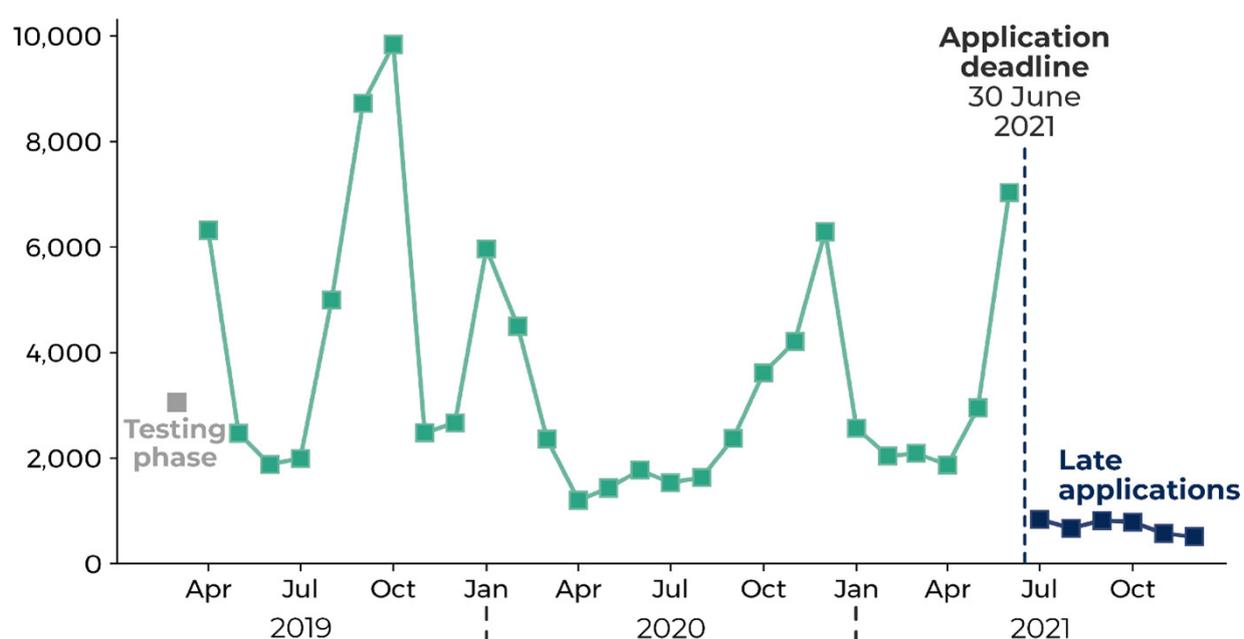
The number of those applying to convert their status from pre-settled to settled status is captured in statistics on repeat applications. UK-wide statistics show that **289,180 pre-settled citizens** moved to settled status. Information by UK nation is not provided. This means we do not know how many applications have been received from pre-settled citizens in Wales trying to convert their status. The Senedd's Equality and Social Justice Committee asked the Welsh Government whether it had more information but none was provided.

Late applications

Late applications are allowed for those with **reasonable grounds** for missing the deadline, **such as** a parent has failing to apply on behalf of a child or where a person has a serious medical condition. The UK Government **has promised** to protect the rights of late applicants until their application, and any appeal, is decided.

The number of late applications from Wales increased to 4,200 on 31 December 2021 from 2,340 on 30 September. In October, 790 late applications were received, followed by 570 in November and 510 in December. The chart below shows how December marked the lowest monthly number of applications received from Wales since the EUSS opened in March 2019.

EU Settlement Scheme monthly applications received in Wales



Source: UK Government [EU Settlement Scheme quarterly statistics, December 2021](#)

UK-EU issues persist due to different interpretations of the Withdrawal Agreement

The UK and EU meet regularly to discuss citizens' rights. **Meetings are held** at the Withdrawal Agreement's Joint Committee and its Specialised Committee on Citizens' Rights. The Welsh Government doesn't attend but **meets fortnightly** with the UK Government to discuss the EUSS.

Following the Joint Committee meeting on 21 February, the UK and EU **described citizens' rights** as "a top priority" and followed up on concerns shared at January's **Specialised Committee meeting**.

The EU is concerned about the automatic loss of status in the UK as a result of failing to convert from pre-settled to settled in time, and the lack of legal certainty for EU citizens. The UK has concerns around the equivalent schemes of EU Member States, including a lack of policy detail, guidance and flexibility. The next meeting is scheduled for mid-2022.

Under the **Withdrawal Agreement**, disputes about citizens' rights can be escalated to an arbitration tribunal, which can request a ruling from the Court of Justice of the EU (CJEU) in certain circumstances.

The Welsh Government will share new information with the Senedd

In response to correspondence from the Equality and Social Justice Committee, the Minister explained that the EUSS "remains a priority". She advised that the EUSS Co-ordination Group agreed to the Committee's request to share its meeting minutes for as long as the group continues to meet.

On 3 March, the Minister also announced that the Welsh Government's **free advice and support**, available to European citizens **has been extended** until "at least" 30 September 2022. She explained that the extension will "ensure that services are able to provide support to citizens, including Ukrainian nationals, who may wish to join family members who are already settled here in Wales." This forms part of the support announced by the Welsh Government in response to the **Russian invasion of Ukraine**.

The Senedd will host a UK-EU meeting next week

On 17-18 March, the Senedd will host the **EU's Committee of the Regions** UK Contact Group meeting. The group was established after Brexit to facilitate

communication between local and regional authorities in the EU and the UK's cities, regions and devolved governments. The Senedd is represented by Laura Anne Jones MS and Alun Davies MS.

The meeting will welcome representatives from across the EU to meet with members of the Senedd and the Welsh Government. The rights of European citizens living in the UK and UK citizens living in European countries will form part of the discussions.

Wales, Article 16 & the Northern Ireland Protocol

Published: 24 November 2021

Image of Conwy Castle, Conwy





4. Wales, Article 16 & the Northern Ireland Protocol

Published: 24 November 2021

The Northern Ireland Protocol (“the Protocol”) is part of the Withdrawal Agreement, which set the terms of the UK’s exit from the EU. It set up new arrangements for the UK-EU land border between Northern Ireland and Ireland, an EU Member State.

In recent months, the UK Government has called on the EU to renegotiate the Protocol because it is leading to several issues, some of which **it lists as** “disruption to supply chains, increased costs, and reduced choice for consumers” in Northern Ireland.

Lord David Frost has **repeatedly warned**, most recently on 20 November, that the UK could use Article 16 if changes to the Protocol aren’t made. Article 16 allows for safeguarding measures to be taken if the Protocol leads to certain difficulties, or to trade diversions. The **First Minister has said** that this would “make a difficult situation worse, not better” and should be avoided.

This article explains Article 16, how it relates to future changes to the Protocol and why it matters to Wales.

Why does the UK Government want to change the Protocol?

The Protocol was agreed in 2019 but is not yet fully in place because the UK and EU disagree on how the new arrangements should work.

New border checks between Great Britain and Northern Ireland have either been postponed jointly by the UK and EU, or have been postponed unilaterally by the UK. This means that the full effect of the Protocol has not yet been felt.

Northern Ireland Protocol: explainer

It was agreed in the Protocol that Northern Ireland would continue to follow some EU rules, while the rest of the UK (as Great Britain) could change its rules.

This means that the checks ordinarily required by the EU on products entering its market must now be carried out on arrival in Northern Ireland from Wales, England and Scotland. The BBC has produced an **infographic** to show this.

This is sometimes referred to as having created a 'border in the Irish Sea'.

The arrangements require Welsh ports to set up new border control posts, **described by the Welsh Government** as “one of the largest and most complex infrastructure delivery programmes” that it is involved in.

The UK Government wants to **renegotiate the Protocol** because it is unhappy with some of its terms and **the effects they are having**. The EU has said it will not renegotiate the Protocol but is willing to **discuss solutions** with the UK. Both have put forward proposals on how to resolve the situation and discussions are ongoing.

Where does Article 16 come in?

Article 16 does not provide for renegotiation or permanent changes to the Protocol.

Rather, it allows the UK and EU to take safeguarding measures if the Protocol leads to certain difficulties or to trade diversions. This is described as:

„serious economic, societal or environmental difficulties that are liable to persist.

If either the UK or EU believes that the Protocol has led to such difficulties, or to trade diversions, they can use safeguarding measures to try to remedy the situation. Article 16 also provides that the other party can respond to safeguarding measures with their own rebalancing measures.

Annex 7 of the Protocol sets out the procedure to be followed by the UK and EU when using Article 16.

What type of measures could be taken?

Article 16 does not describe which measures are allowed but it does set some rules for measures:

Article 16 measures

Safeguarding measures must be “appropriate” and restricted in their scope and duration to what is strictly necessary to remedy the situation.

Rebalancing measures must be “proportionate” and strictly necessary to remedy an imbalance caused by safeguarding measures.

For both, priority must be given to measures which least disrupt the Protocol overall.

In its proposals, set out in a **command paper**, the UK Government links Article 16 to changing the Protocol:

Rather than use Article 16, we would prefer to find a consensual path. We now need urgent talks that can try to find a new balance for the Protocol.

However, academics have stated that Article 16 measures do not provide an option to renegotiate or change the Protocol. **Professor Robert Howse** of New York University Law School says that Article 16:

....is not the kind of provision designed to trigger renegotiation or even permanent adjustment of specific commitments or mechanisms in the Protocol.

The EU has said in **its proposals** that it wants to find a “permanent” solution.

How might this affect Wales?

How disagreements in relation to the Protocol are resolved will have a significant impact on Wales, including its traders, exporters, ports and people.

1. If Article 16 is invoked, the impact on Wales will depend on which safeguarding measures are chosen. Likewise for potential EU rebalancing measures in response, if any are taken. Some media outlets, **including Euronews**, have suggested that the EU could suspend the UK-EU **Trade and Cooperation Agreement**, the treaty which establishes their new relationship.

Lord Frost told the House of Lords in October that he expects that Article 16 measures would be brought about via secondary legislation. This could require action by the Welsh Government..

The **First Minister said** on Friday that Welsh trade would be “particularly badly affected by any deterioration” in UK-EU trading relations. Triggering Article 16, he said, would “make a difficult situation worse, not better” and that Wales has a “direct interest in seeing that the triggering of Article 16 is avoided.”

2. If changes are made to the Protocol, the degree to which they affect Wales will also depend on the nature of such changes. For example, the UK wants to replace the Protocol’s subsidy control rules and simplify existing rules for trade between Great Britain and Northern Ireland, described as “burdens” in its **command paper**. Changes made by UK legislation could require the consideration of the Welsh Government and/or Senedd.

The dispute is rumoured to have resulted in delays to finalising the UK's participation in EU research and space programmes, with the **EU Commissioner, Mariya Gabriel**, saying that other UK-EU issues “need to be tackled first”. This has resulted in delayed payments to **UK researchers and companies** and recently led **Cardiff University** to voice its concerns.

Matters within the Senedd's remit could also be impacted, including wider **UK-EU** arrangements, the **common frameworks programme**, the operation of the **UK Internal Market Act 2020** and other post-Brexit legislation, and **external affairs**.

Is this the Brexit season finale?

Published: 12 May 2021

Image of Aberystwyth, Ceredigion





5. Is this the Brexit season finale?

Published: 12 May 2021

For many, the announcement of a deal between the UK and EU on Christmas Eve 2020 marked the end of the long-running Brexit negotiation drama. In reality, the agreement forms the bare outline of the future relationship plot. The twists and turns of what the relationship means in practice will be a key part of the Sixth Senedd's story.

At first glance, the UK-EU Trade and Cooperation Agreement (TCA) is a free trade deal like any other. Yet it's much more than that. It covers many areas not usually found in trade agreements such as health and social security. Its terms are lengthy, intertwined and complex. The majority of its provisions affect areas within the Senedd's responsibility, from fisheries arrangements to healthcare insurance.

Many of the details about how the TCA will work in practice are not yet clear. Welsh businesses and citizens still face uncertainty about what it means for them.

The Sixth Senedd may find that the drama is far from over.

What's been agreed and what does it mean for Wales?

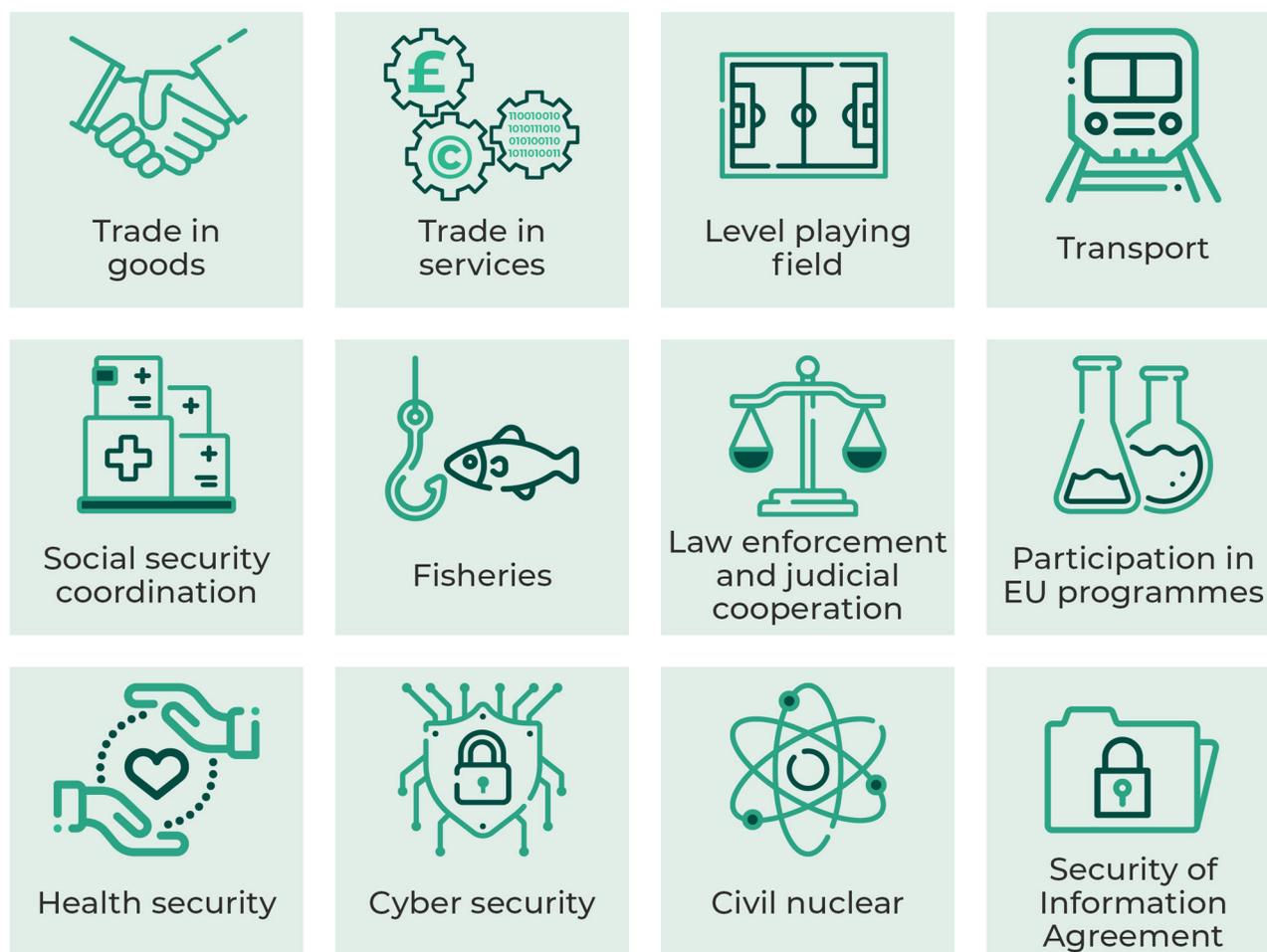
The **TCA** lays the foundation for the UK and EU's new relationship. It follows the **Withdrawal Agreement**, which set the terms of the UK's separation from the EU.

The TCA is unprecedented because it resets the relationship between the UK and EU, in a way which puts them farther apart, rather than bringing them closer together.

Even though it covers many areas of UK-EU cooperation, some important arrangements are not yet finalised.

Our infographic on the next page shows the areas covered by the new UK-EU relationship.

Areas covered by the new UK-EU relationship



The TCA will shape many parts of life in Wales, such as business and trade environment, fisheries, health, travel.

Business and trade

The way the UK trades with the EU has fundamentally changed. In the TCA, the UK and EU agreed that there are no tariffs or quotas on trade in goods, provided **rules of origin** are met. However, there are new **non-tariff barriers** which have resulted in increased costs for businesses. Some sectors, **such as some shellfish producers**, have also been unable to sell their produce to the EU due to its rules on trade with third countries.

The EU introduced full border controls on goods from Great Britain on 1 January, while the UK will phase-in its border controls in stages until March 2022. New border infrastructure will need to be built in Wales, and the new Welsh Government will have some responsibilities in relation to border processes, such as checks on animals.

The **previous Welsh Government said** that “the precise impact of the TCA will take time to become clear in many areas”. The Sixth Senedd will need to monitor its impact on Welsh businesses trading with the EU, as well as scrutinising how the new Welsh Government implements its responsibilities.

Environment and fisheries

Environmental cooperation is folded into the TCA in a number of ways. On one hand, it makes up part of the so-called ‘level playing field’ to ensure fair competition between the UK and EU so that standards can’t be reduced without consequence. On the other, the entire partnership is based on a commitment to address climate change, which constitutes an essential element of this and all future UK-EU agreements.

Fisheries arrangements became a sticking point in the negotiations but agreement was finally reached. One new arrangement provides that 25% of the EU’s quota in UK waters will be transferred to the UK over a five and a half year period. Many other parts of the TCA are linked to the fisheries arrangements. For example, if the UK or EU restricts access to their waters, the other can retaliate with tariffs. Or if one side decides to end the fisheries arrangements, the arrangements for aviation and road transport will also cease.

Health

Different types of UK-EU cooperation on health are included in the TCA. For example, there’s a general duty to cooperate on serious cross-border threats to health. There are also specific provisions maintaining the validity of European Health Insurance Cards (EHIC) until their expiration, and on the rights of UK citizens travelling in the EU to access some types of healthcare, and vice versa.

Travel

Rules on travel from Wales to EU countries, Switzerland, Norway, Iceland and Liechtenstein **have changed** under the TCA for holidays, work, study and residency. Changes include visa and permit requirements (depending on the length of stay and the country visited), additional passenger checks and new rules for driving, pet travel, mobile roaming and compensation if travel is disrupted.

On the horizon

The TCA contains a number of future deadlines on decisions not taken in December 2020, including establishing new bodies to implement the agreement, and for the review of some of its provisions. Important deadlines fall during this Senedd's term.

The agreement establishes 24 UK-EU committees and working groups. They'll play a crucial strategic role in overseeing and implementing the agreement, as well as on its future direction and content. Their membership, including what role devolved governments will play, is not yet agreed. A UK-EU Parliamentary Partnership Assembly will also be established. Discussions **on its format** and how it will engage the devolved legislatures are on-going.

A joint review of the UK-EU agreements is required every five years. The agreement also allows either the UK or the EU to call for a review of the agreement's trade provisions after four years if they believe that either side is not honouring its commitments on fair competition. This could lead to further changes in the trading relationship. Other parts of the agreement could also be included within this review.

The agreement is complex and many of its provisions are yet to be 'road-tested'. Agreeing how the text should be interpreted, and how it should operate in practice, is likely to take some time. For example, the agreement requires that UK and EU environmental supervisory bodies meet regularly and co-operate on the effective enforcement of the agreement's environmental commitments. What form these meetings will take, who will be involved and what role devolved regulators will have, is yet to be decided.

In addition, discussions will continue **on some areas** important to Wales where agreement wasn't reached. These include protected Welsh food and drink names, EU funding programmes and the mutual recognition of professional qualifications (MRPQ).

“Much more to be done”

The list of tasks for the Sixth Senedd in relation to the TCA and the Senedd's future engagement with Europe is long. As the Fifth Senedd's **External Affairs And Additional Legislation Committee** said, “there is much more to be done in terms of assessing the implications for Wales”.

The agreement is new and untested. The details of its practical operation are not yet agreed. It's dynamic and will evolve and be reviewed during this Senedd. New relationships are bedding in, and the Senedd and Welsh Government will need to define and find their place in these. The effects of the **new relationship on the UK constitution**, and **Wales' place in World**, will unfold as the Sixth Senedd progresses.

While December 2020 may have marked the end of Season 1 of Brexit, Season 2: The new relationship is only just beginning.



Next level or restart the mission? The Levelling Up White Paper and Wales

Published: 16 February 2022

Image of Big Pit National Coal Museum, Blaenavon





6. Next level or restart the mission? The Levelling Up White Paper and Wales

Published: 16 February 2022

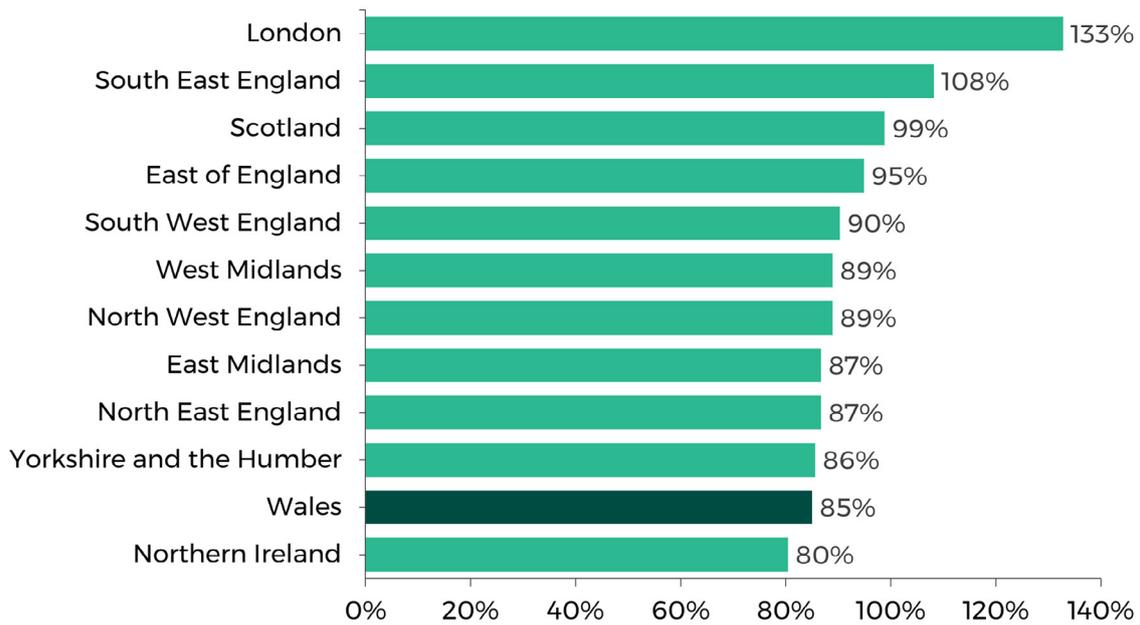
We have heard much about the UK Government's ambition to level up different parts of the UK, but less about how it will be achieved until recently. Earlier this month the UK Government published its **Levelling Up White Paper**, setting out the next stages in its plans to address place-based inequalities.

What are the key regional inequalities the UK Government is looking to solve?

The UK has long-term, entrenched inequalities between places in relation to the economy, education, skills, health and housing. On economic indicators such as productivity and income per head, the UK Government **notes that** the UK has greater inequalities than many comparable nations.

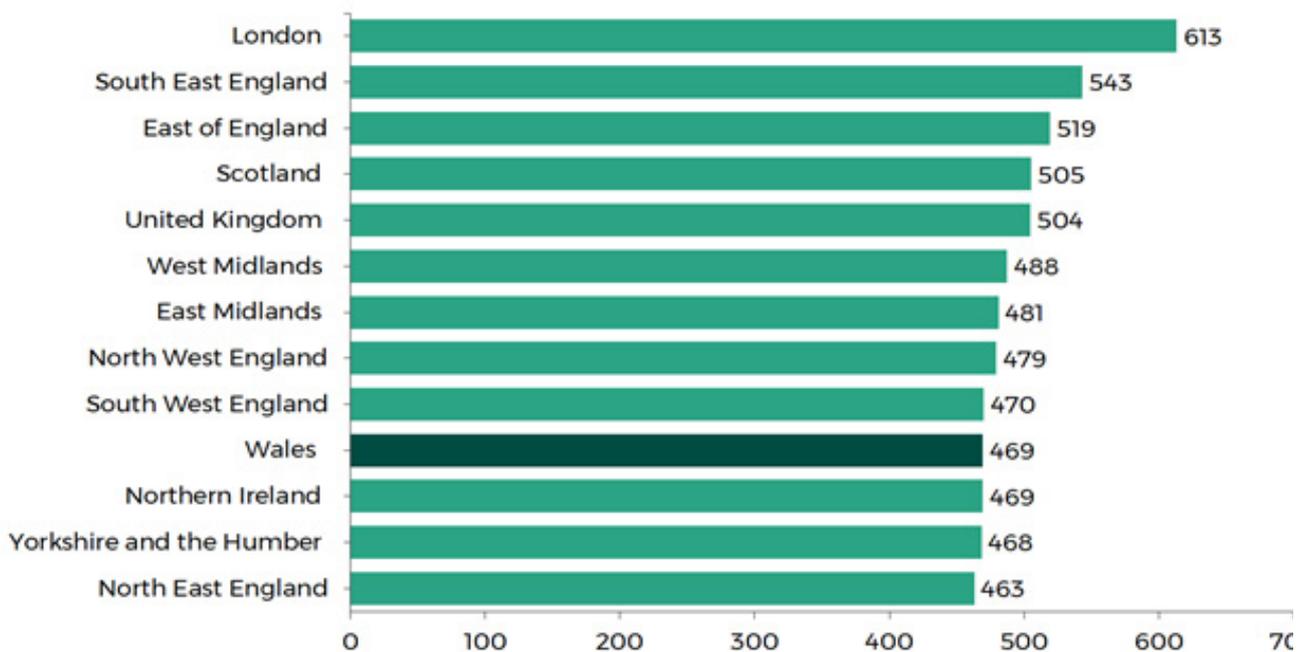
Looking at key metrics the UK Government has used in its White Paper, Wales performs below the UK average in relation to productivity, earnings, skills and healthy life expectancy. However, there is considerable variation between different parts of Wales, with Valleys and rural areas most likely to be considered 'left behind' in the UK Government's analysis.

Figure 1: Productivity per hour worked as a percentage of UK average, 2019



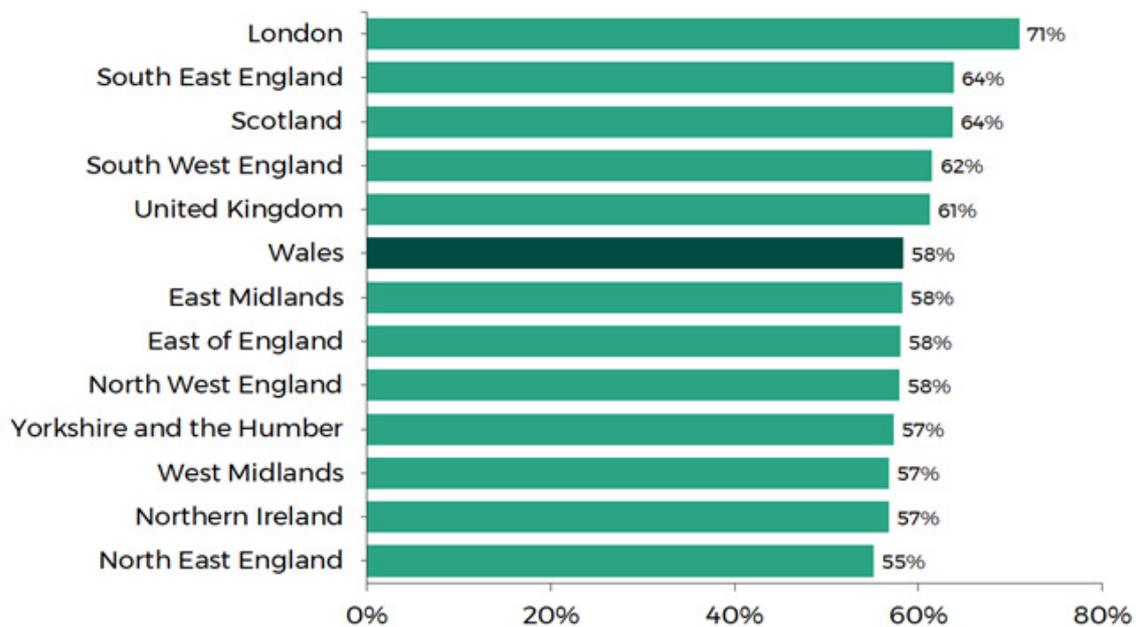
Source: Office for National Statistics, [Annual regional labour productivity](#)

Figure 2: Median gross weekly earnings by nation or region of residence, 2021 (£)



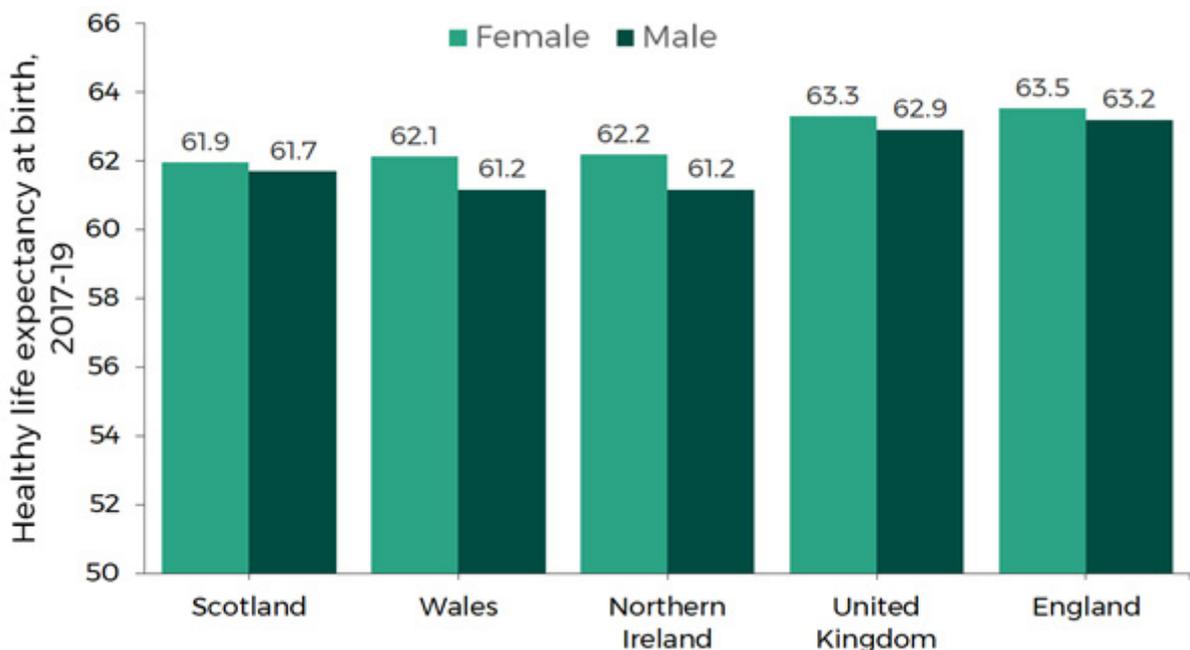
Source: Office for National Statistics, [Employee Earnings 2021 - Table 8](#)

Figure 3: Percentage of residents aged 16-64 with level 3+ qualifications, 2020



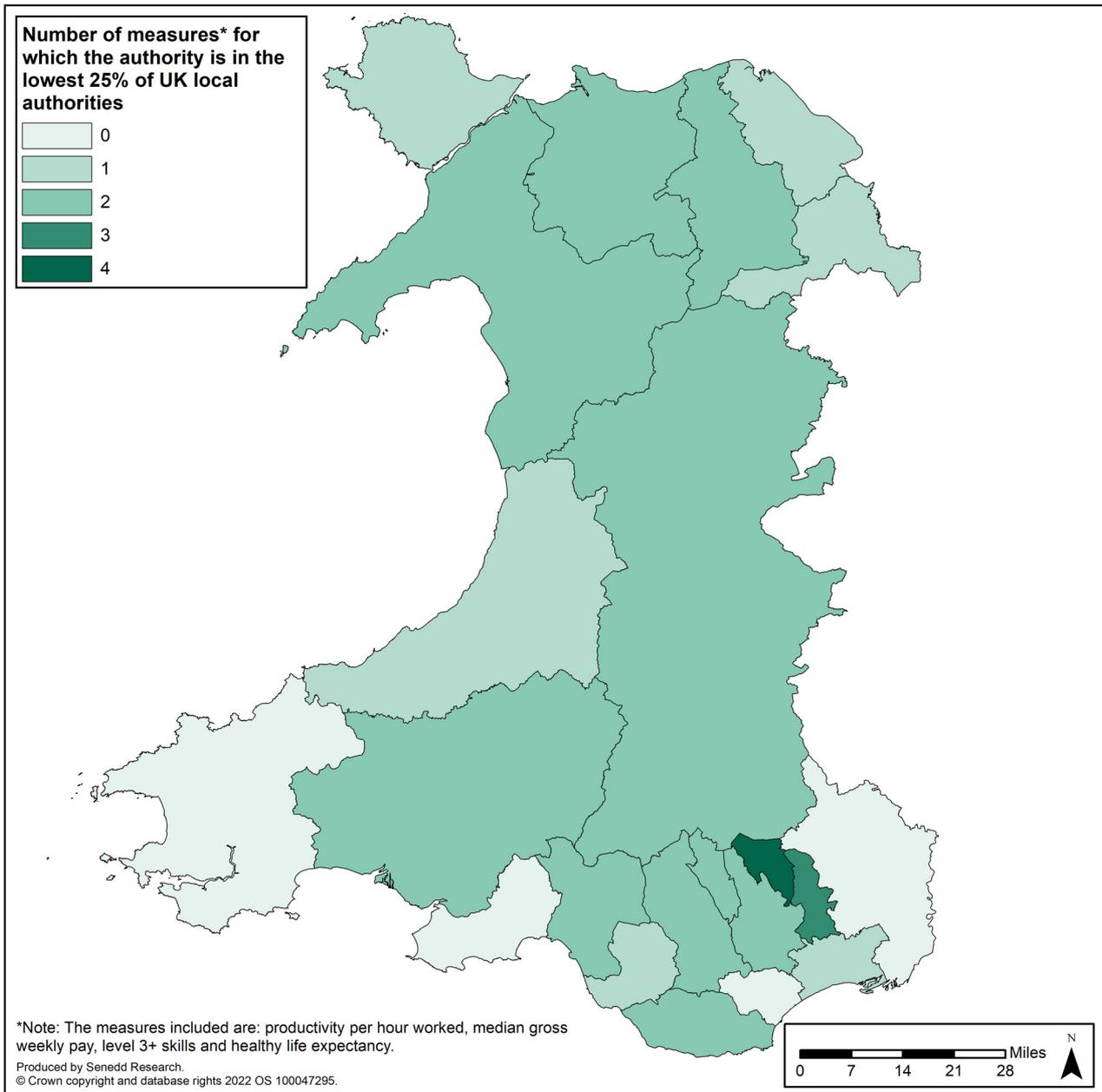
Source: Office for National Statistics, [NOMIS - Annual Population Survey](#)

Figure 4: Healthy life expectancy at birth by UK nation, 2017-19



Source: Office for National Statistics, [Health state life expectancies, UK: 2017 to 2019](#)

Figure 5: Which areas of Wales are most 'left behind' using the UK Government's key metrics?



Source: UK Government, **Levelling Up White Paper** (figure 1.13, page 18)

How is the UK Government proposing to level up, and how do its proposals interact with the devolution settlement?

The UK Government has said that levelling up will need to be “broad, deep and long-term”. The White Paper sets out **four ways the UK Government will aim to level up the UK:**

1. boost productivity, pay, jobs and living standards by growing the private sector, especially in those places where they are lagging;
2. spread opportunities and improve public services, especially in those places where they are weakest;
3. restore a sense of community, local pride and belonging, especially in those places where they have been lost; and
4. empower local leaders and communities, especially in those places lacking local agency.

The White Paper includes twelve ‘missions’ based on these, covering living standards; research and development; transport infrastructure; digital connectivity; education and skills; health and wellbeing; community pride; housing; crime; and local leadership.

The White Paper covers some non-devolved areas where the UK Government will act in Wales, such as crime and broadband, and **areas where the UK and Welsh Governments both have responsibilities,** such as public transport and research and development. **The UK Government’s plans are for England-only in relation to a number of devolved areas, such as** health, housing and education, and it is up to the Welsh Government how it addresses challenges in these areas. The Secretary of State for Levelling Up, Communities and Housing has written to the First Minister seeking to work with the Welsh Government to “overcome shared challenges”. The First Minister has said that the White Paper is a “very thin document” without a strategic plan, and without the necessary funding to achieve its aims.

Perhaps the most politically controversial aspect of the proposals is that **the UK Government is using its recently acquired powers to spend money on devolved areas across the UK,** through local/regional development initiatives such as the Levelling Up Fund and Shared Prosperity Fund. The UK Government argues that its approach will strengthen the support provided by devolved administrations. In contrast, Wales’ Minister for Economy has stated that “the unconstitutional Internal Market Act is being used to override democratic devolution by stopping decisions about Wales being taken in Wales”.

What do we know about the upcoming Shared Prosperity Fund?

The Conservative manifesto for the 2019 UK General Election stated that it would tackle inequality and deprivation across the UK by developing a Shared Prosperity Fund to replace EU Structural Funds. The UK Government has recently released **pre-launch guidance** on the Shared Prosperity Fund. While this gives some clarity on the UK Government's intentions, a number of questions remain to be answered.

The UK Government **has said that it will have the lead role in implementing the fund across the UK, but that it will discuss the role of devolved administrations. The fund will see a number of changes from its Community Renewal Fund pilot.**

Rather than areas competitively bidding for funding, **each area of the UK will be allocated funding** and will need to have an investment plan approved by the UK Government to access this. **We don't know yet how much Wales or individual local authorities will receive, or the methodology being used to determine how much areas will receive.**

One of the Welsh Government's **concerns** is that the approach piloted with the Community Renewal Fund was a "much more localised and atomised approach" that did not **learn lessons** from the 2000-06 round of Structural Funds in Wales which saw too many projects without enough strategic and regional focus. The UK Government guidance **states that Welsh local authorities will be invited to collaborate to develop proposals across City and Growth Deal areas.**

The UK Government has said that the Shared Prosperity Fund would "at a minimum" match the amount of Structural Funds received in each nation. However, the Welsh Government has **said that** Wales will lose £750 million between 2021-22 and 2023-24 as a result of the Shared Prosperity Fund not fully replacing Structural Funds until 2024-25, although this is **disputed** by the UK Government.

What are the challenges involved in levelling up, and how likely are the UK Government's proposals to achieve its objectives?

While many organisations welcomed the publication of the White Paper, they also raised challenges that the UK Government faces in delivering on its aims. The Onward think tank, for whom the current UK Minister for Levelling Up, The Union and Constitution **wrote a report** on levelling up last year, **says that** the key challenge is delivery, and how the ambitions translate to action beyond central government.

The Institute for Fiscal Studies **suggested that** the main challenge the UK Government faces in delivering on its plans is ensuring sufficient funding and focus on policy and reform. Without these, it says “there is a risk that the government has chosen its destination with no sense of how it plans to get there”.

The Institute of Welsh Affairs **said that** the White Paper’s approach **threatens to weaken democratic accountability and economic development in Wales**. It calls for the Welsh and UK Governments to set up a co-ordinating body to administer allocations from the Levelling Up Fund and Shared Prosperity Fund in Wales.

The National Audit Office **found that the UK Government has not evaluated the impacts of its past policies for local economic growth**, although it is starting to do so now, and has “wasted opportunities to learn which initiatives and interventions are most effective”. These factors mean that **the NAO has reduced confidence that the current schemes will deliver value for money**.

It’s clear that levelling up will require a long-term approach to tackle entrenched inequalities between and within places across Wales and the UK. The extent to which the UK Government’s approach will successfully address the challenges many people and communities across Wales face, and how it will interact with Welsh Government policy in devolved areas, remains to be seen.

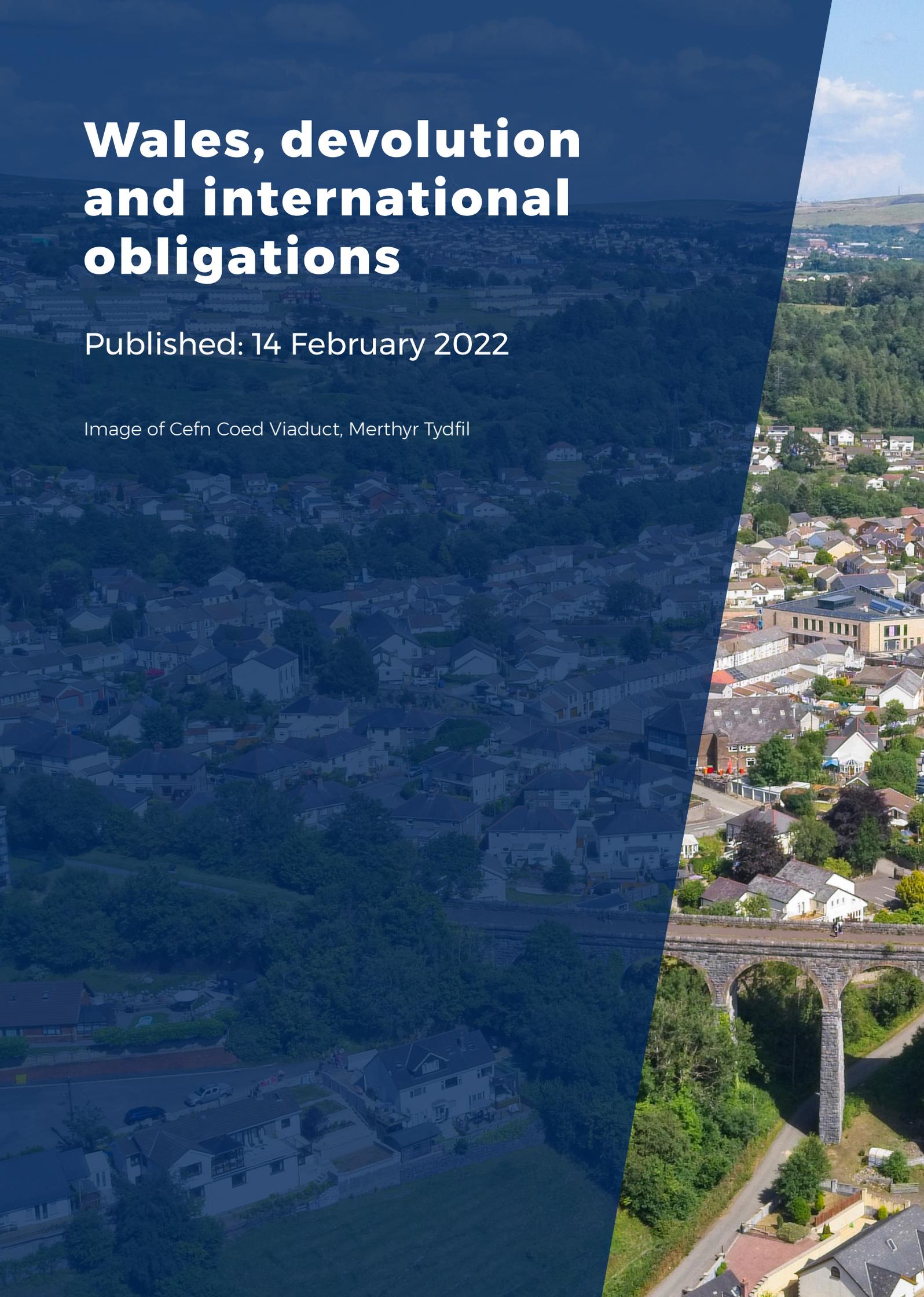
The image shows the exterior of the Welsh Parliament building. The upper part of the building features a curved, ribbed wooden ceiling. Below this is a glass facade that reflects the sky and clouds. The lower part of the building is constructed from dark, weathered wooden planks. The text 'Senedd Cymru' and 'Welsh Parliament' is mounted on this wooden section in white, 3D-style letters. A tall, white, cylindrical pillar is visible on the right side of the frame.

Senedd Cymru
Welsh Parliament

Wales, devolution and international obligations

Published: 14 February 2022

Image of Cefn Coed Viaduct, Merthyr Tydfil





7. Wales, devolution and international obligations

Published: 14 February 2022

Wales has international obligations. These are duties and commitments which the UK has agreed, or rules which apply universally. International obligations are commonly found in written agreements (“treaties”) between states or international organisations.

Not only does the devolution settlement require that Welsh Ministers comply with international obligations, but successive Welsh Governments have incorporated high-profile treaties that align with their ambitions into Welsh law.

This article traces Wales’ approach to adopting treaties and explains how the devolution settlement works to ensure that actions taken by the Welsh Government remain compatible.

Devolution and international obligations

The UK Government negotiates and enters into international obligations on behalf of the four nations. The devolved governments and legislatures must comply with these and are responsible for their implementation in devolved areas.

The devolved legislatures can also incorporate treaties directly into their domestic law, a practice recently affirmed by the Supreme Court. **The judgment** is confirmation for the Welsh Government and the Senedd, which have **garnered international recognition** for their adoption of high-profile treaties into Wales’ constitutional fabric.

Wales’ approach to adopting treaties

Successive Welsh Governments have adopted many important treaties as the basis for their policy-making, such as the United Nations’ (UN) **Paris Agreement**, its **Refugee Convention** and many **human rights treaties**. Use the drop-down menus below to see two examples.

UN Convention on the Rights of the Child (UNCRC)

Wales became the first UK nation to make the **UN’s Convention on the Rights of**

the Child (UNCRC) part of its domestic law. This placed a duty on Ministers to have due regard to the UNCRC when developing or reviewing legislation and policy and to ensure that people in Wales know about, understand and respect the rights of children and young people.

UN Sustainable Development Goals

Wales' **Wellbeing of Future Generations Act 2015** adopts the principles of the UN's Sustainable Development Goals (SDGs) and partly **inspired the UN** to create a Special Envoy for Future Generations. The Act requires every policy, action, initiative and piece of legislation to be designed and delivered through the lens of its sustainable development principle and seven well-being goals.

Welsh Government plans to adopt two UN treaties

The current **Welsh Government** intends to incorporate the **UN Convention for the Elimination of all forms of Discrimination against Women** and the **UN Convention on the Rights of Disabled People** into Welsh law.

The aforementioned **Supreme Court ruling** relates to the incorporation of two treaties into Scots law - the UNCRC and the **European Charter of Local Self-Government**. The court stated that incorporating the treaties was a matter for the Scottish Parliament, with which it did not take issue.

The court concluded that certain provisions of the Bills used to incorporate the treaties fell outside of the legislative competence of the Scottish Parliament. For more information, see **a report** provided to the Senedd's Legislation, Justice and Constitution Committee (section 8.3).

Welsh Ministers must comply

Welsh Ministers must comply with the UK's international obligations. The **First Minister explains** that Ministers:

[A]re required to take into account international obligations when making decisions, they could face Judicial Review or action from the Secretary of State for failing to do so.

A number of mechanisms exist to ensure that actions taken by Welsh Ministers are compatible. Use the drop-down menus below to learn more.

The UK Government can intervene

The UK Government's Secretary of State has powers to _____ :

- direct Welsh Ministers to take action to comply with any international obligation; or
- direct them not to take action if it would be incompatible; or
- revoke subordinate legislation made by Welsh Ministers if it is considered to be incompatible with international obligations, or in the interests of defence or national security.

These powers are contained in section 82 of **Government of Wales Act 2006** (GoWA), which has never been invoked.

The devolution settlement is silent on the position of Welsh Ministers in the event that the proposed actions of the Secretary of State are considered to be incompatible with international obligations.

European Convention on Human Rights

Welsh Ministers, including the First Minister, and Counsel General, are specifically prohibited from taking action that is incompatible with the rights of the European Convention on Human Rights (ECHR). This duty can be found in section 81 of GoWA. **Reform of the Human Rights Act 1998**, which incorporated the ECHR into domestic law, is currently being considered by the UK Government.

Assistance to the UK Government

It is within the Senedd's competence to assist the UK Government in respect of international obligations and international relations. This can be found in paragraph 10(3) of Schedule 7A to GoWA.

The First Minister describes how this works in correspondence regarding the **UK/Switzerland Convention on social security coordination**. The UK Government entered into the agreement, which covers areas within the Senedd's competence. The Convention requires implementation and compliance by the Welsh Government and for Welsh Local Health Boards to deliver the healthcare as per the Convention's terms.

The Welsh Government's Ministerial Code

The Welsh Government's **Ministerial Code** places a duty on the Welsh Ministers to comply with international law and treaty obligations in paragraph 1.3.

Senedd scrutiny of international obligations

The Senedd routinely considers the impact of international obligations across a broad range of issues, including **Brexit**, **climate change** and **refugees**.

It also has two dedicated processes to assess their impact. Use the drop-down menus below to learn more.

International agreements

Senedd committees scrutinise treaties via the Senedd's **dedicated process**. To date, they have considered the impact on Wales of over 130 treaties on trade, elections, fisheries, ports and more.

You can track this process **for trade** and **non-trade agreements** on the Senedd's website.

Common frameworks

Common frameworks are agreements between the UK's four governments setting out how they will work together in some areas previously governed or coordinated at EU level, such as air quality, food safety and cross-border health threats.

Senedd **committees consider** how international obligations are taken into account by each framework and how they provide for the governments to work together on the negotiation and implementation of future international obligations.

Wales in the new international landscape

Published: 26 May 2021

Image of Snowdonia National Park, North Wales





8. Wales in the new international landscape

Published: 26 May 2021

Over the course of the Fifth Senedd, the Welsh Government and Senedd's roles in international affairs changed dramatically. The UK's withdrawal from the EU has reframed the UK's approach to international engagement and has required increased cooperation between the UK and devolved governments. As a result, the role of the Senedd in the scrutiny of international affairs looks set to increase.

During the Sixth Senedd, the UK is expected to sign up to a wide range of new international commitments affecting devolved policies and laws.

The Senedd's scrutiny of international commitments matters. International agreements often contain far reaching obligations which can impact on the everyday lives of businesses and people in Wales. The Senedd's ability to pass laws is also constrained by what the UK Government agrees to on the international stage. The Welsh Government's ability to deliver its policies is also shaped by these commitments. The UK Government has responsibility for leading negotiations on new agreements but recognises the role the devolved institutions have in implementing agreements in devolved areas.

Through careful scrutiny of international agreements, the Senedd has the potential to add value for the benefit of Wales.

What new international agreements can be expected in the Sixth Senedd?

A number of new international agreements of significance to Wales are expected over the course of this Sixth Senedd. These include free trade agreements between the UK and the US, New Zealand, Australia and the UK joining the **Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)**.

During the Sixth Senedd, the UK is also expected to sign up to new international commitments in the fields of biodiversity, food, the marine environment and climate change. These agreements will sit alongside Wales' new relationship with Europe.

The UK Government says that the trade agreements it's negotiating will present new opportunities for UK businesses, including those in Wales. Increasing UK trade with other countries will likely create losers as well as winners. These new UK

agreements could result in Welsh businesses experiencing increased competition from imports, with specific sectors affected differently. For example, a **free trade agreement with New Zealand** has the potential to have a negative impact on the UK's agriculture and semi-processed food sectors, as New Zealand has a comparative advantage in these sectors.

This is why the Senedd scrutiny of international agreements matters. The Fifth Senedd's **External Affairs and Additional Legislation (EAAL) Committee** said:

The Senedd has a role in identifying Welsh interests and, through scrutiny and representation, ensuring that agreements are implemented and developed in a way that maximise their benefits to Wales.

Potential impact of free trade agreements on Gross Value Added in Wales

Agreement (a scoping assessment for the UK joining the CPTPP has not been published yet)	Change in Wales GVA, long run % change (approximately 15 years)
UK-US	Increase of 0.05% to <0.15% or 0.25% to <0.40% (depending on the extent of tariff liberalisation and reduction in non-tariff measures)
UK-Australia	Increase of 0.00% to <0.05%
UK-New Zealand	Increase of 0.00% to <0.05%

What role with the new Welsh Government play?

For the first time in over forty years, Brexit means that the UK Government is negotiating and joining a number of international agreements with other countries in its own right.

The devolution settlement means that the UK Government is responsible for negotiating and entering into international agreements on behalf of the four nations of the UK. However, once agreed, observing and implementing these agreements in devolved areas is a matter for the Welsh Government and Senedd.

Engagement between the previous Welsh Government and the UK Government on non-EU trade agreement negotiations took place through a then newly-established Ministerial Forum for Trade. However, a key Concordat on trade, intended to formalise how the devolved governments can engage in the negotiations themselves, hasn't yet been agreed. In 2020, a **Senedd committee voiced** its concern at the delay in finalising these arrangements.

The UK Government has also proposed new ways of working for the UK's four governments across over twenty policy areas (including fisheries, food and the environment) under its new Common Frameworks programme. In part, the programme aims to ensure that the four nations remain in compliance with the UK's international obligations while also offering new opportunities for the devolved governments to participate in the UK's international activities, such as representation at international bodies.

How can Sixth Senedd scrutiny of UK international affairs benefit Wales?

The Senedd's approach to international affairs has undoubtedly changed during the Fifth Senedd. The Fifth Senedd's EAAL Committee **developed a dedicated scrutiny process** for international agreements. The Committee scrutinised over 100 trade and non-trade agreements. It took action by reporting on significant agreements, as well as engaging with the Welsh Government and relevant committees in other UK parliaments on matters of interest to Wales.

Examples of the scrutiny of international agreements by EAAL Committee in the fifth Senedd:

Trade agreements: roll-over of EU trade agreements including with Canada, South Korea and Singapore, as well as future new agreements being negotiated such as a potential UK-US trade agreement.

Non-trade agreements: citizens' rights, elections and voting, fisheries, ports, air, road and rail transport, social security, science and research, judicial cooperation, film production and space.

Through careful scrutiny, the Sixth Senedd can make a difference in enhancing the value of international agreements to Wales. For example, by giving a voice to Welsh interests in situations where potential barriers to trade and opportunities for improvements are identified.

How can the Welsh Government maximise new opportunities in international affairs?

The international context in which the Sixth Senedd and new Welsh Government will operate will have changed significantly compared to the previous Senedd as a result of the UK's exit from the EU and the economic impact of COVID-19. Against this backdrop, as well as the UK's evolving international relationships and new international agreements, the Welsh Government will need to consider if and how it wishes to promote Wales and Welsh businesses internationally.

In its **international strategy**, the previous Welsh Government set out its ambition to increase Wales' profile and influence in the world, as well as to grow the Welsh economy by increasing exports and inward investment. The Welsh Government's network of 21 **international offices** are intended to play an important role in promoting Wales internationally.

To maximise the opportunities presented by the UK's new international agreements and changing international context, the new Welsh Government may need to re-consider its international presence, where it's located, how its relationships with UK Government bodies and departments work and the focus of any strategy.

A new international chapter for Wales?

The way in which Welsh interests are reflected in the new international landscape will be a key issue in the Sixth Senedd.

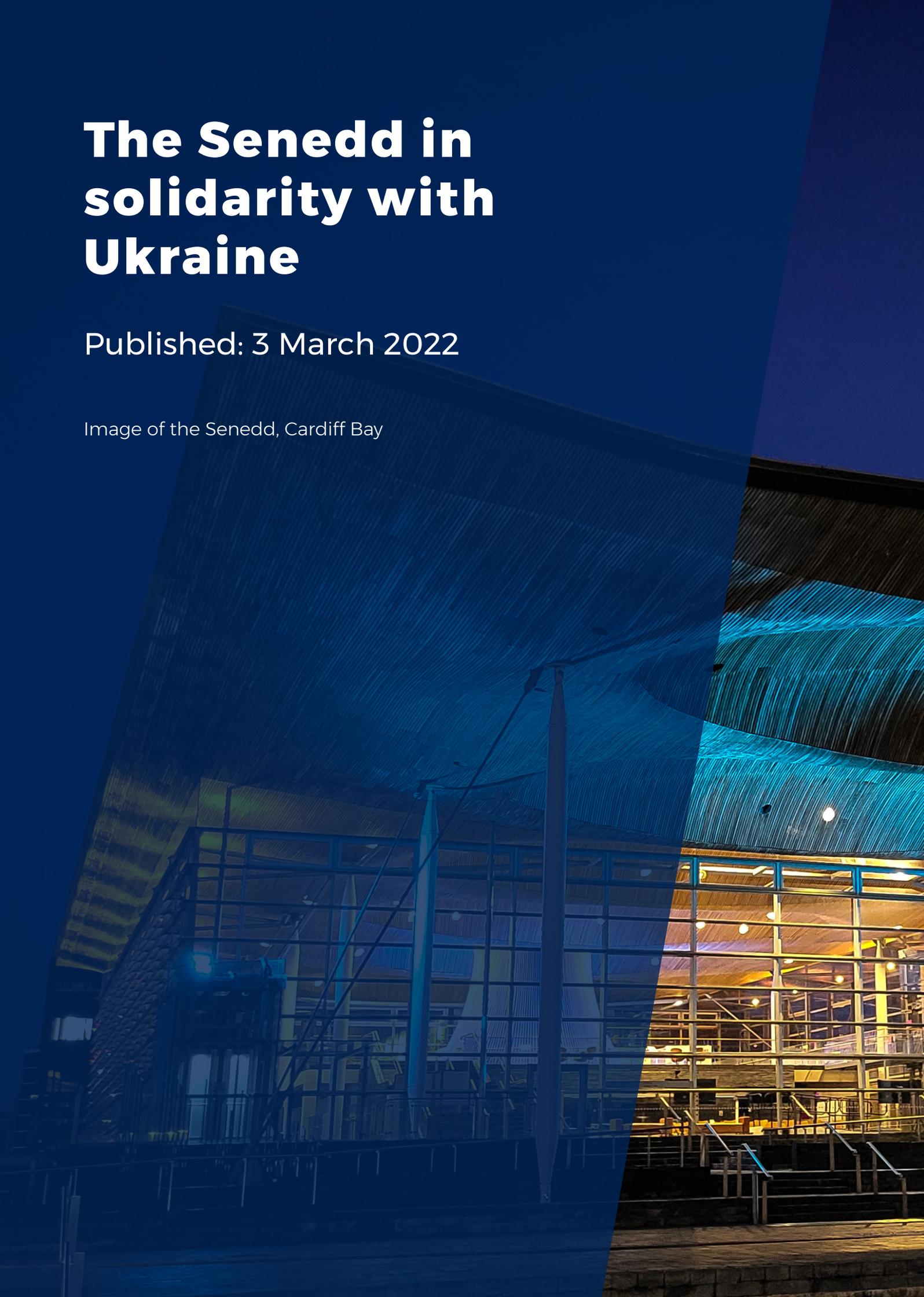
There'll be new international commitments in important devolved areas. Members of the new Senedd will need to understand what they mean for Wales and their constituents.

The previous **Welsh Government said** that the UK's departure from the EU and the economic impact of COVID-19 means it's essential for Wales to have a heightened international profile. The new Welsh Government will need to decide whether it shares this view and if so how it will deliver any international ambitions.

The Senedd in solidarity with Ukraine

Published: 3 March 2022

Image of the Senedd, Cardiff Bay





9. The Senedd in solidarity with Ukraine

Published: 3 March 2022

Russia's invasion of Ukraine has been met with international condemnation.

Parliaments around the world have halted proceedings to condemn the invasion, **lit up their buildings** in solidarity **and applauded** protestors in Ukraine and Russia.

On 1 March, the Senedd added its voice. In a **St David's Day message**, the Llywydd called on the Senedd to "pause and reflect on international events and how important our democratic structures are and how fragile they can be".

This article summarises the responses of the Welsh Government and the Senedd. We summarise what powers Wales has in the context of matters raised by the conflict. It signposts next steps and describes the Welsh Government's **stated ambition** to become a "globally responsible nation" and a "nation of sanctuary committed to human rights and promoting peace".

Emergency Question

The first item in a full meeting of the Senedd on 1 March was **an emergency question** on the impact of the Russian invasion on Welsh citizens and businesses. **The First Minister stated that:**

the people of Wales are appalled at the invasion of Ukraine and, as a nation of sanctuary, we will do everything we can to support the Ukrainian people. Wales is open to provide a welcome and safety to those fleeing war and persecution.

And that:

We have hundreds of people from Ukraine living in Wales with friends and family now on the front line, and there is work that we can do here to make sure that they know that, in Wales, they have the support of the whole of our nation as they face those deeply troubling days ahead.

He explained that the Welsh Government is:

- 'Providing £4m in financial and humanitarian aid;
- Assessing what surplus medical equipment could be usefully provided;
- Ready to welcome people who need and want to leave Ukraine at this time;
- Urging the UK Government to make it easier for Ukrainians to come to the UK;

and

- Encouraging anyone who can to donate to the British Red Cross, UNICEF UK or to the UNHCR UK.'

The First Minister discussed the Welsh Government's response with EU leaders **in Brussels on Wednesday**. He had **previously stated** that Welsh people must be prepared to make sacrifices to stand in solidarity with the people of Ukraine.

Counsel General and Minister for the Constitution, Mick Antoniw MS, who has close links with Ukraine **offered his personal gratitude** to:

all of the people of Wales for their messages of support, their solidarity and generosity over the past week, to myself and in particular to the Ukrainian community in Wales. [...]

The war in Ukraine has turned into a war against the people of Ukraine, and all our thoughts are with those people who have taken up arms to defend democracy and to fight for freedom, including members of my own family.

Members of the Senedd applauded as they shared their personal experiences, support for Ukraine and for the International Criminal Court's **investigation in to war crimes**. Some had attended a **rally outside the Senedd** on 28 February, along with members of the public.

All the Senedd's political parties condemn the invasion

Every party leader in the Senedd has spoken out against the invasion.

Leader of the Welsh Conservatives, **Andrew RT Davies MS called** on the West to stand together with the nations of the world in protecting Ukraine, and for Russian troops to be "sent back beyond the international borders".

Plaid Cymru leader, **Adam Price MS, wrote** that "we cannot simply absolve ourselves of our responsibility. We cannot simply dismiss this as yet another 'foreign land of which we know nothing'. What happens in Ukraine will reverberate around the world for years to come." He called for a number of measures to be taken, including an "economic embargo" of Russia.

Jane Dodds MS, leader of the Welsh Liberal Democrats, called it a "dark day for Europe and the world".

How are international matters handled by the Senedd?

The Senedd routinely considers international matters across a broad range of issues,

such as **Brexit**, **climate change** and **refugees**.

The committees responsible for potential matters raised by the conflict are:

- The **Legislation, Justice and Constitution Committee** is responsible for external affairs, including non-trade international agreements. In recent months, it has considered agreements between the **UK and Ukraine** on providing financing for Ukraine's naval capabilities, and between the **UK and Russia** on the prevention of incidents at sea between military ships and aircraft;
- The **Equality and Social Justice Committee** is responsible for refugees, asylum-seekers and human rights. It **exchanged correspondence** with the Minister for Social Justice regarding those fleeing Afghanistan;
- The **Culture, Communications, Welsh Language, Sport and International Relations** recently held a **one day inquiry** into Wales' international relations; and
- The **Economy, Trade and Rural Affairs** is responsible for international trade agreements. Committee Chair, **Paul Davies MS**, has welcomed restrictions placed on trade with Russia, speaking in his capacity as Senedd Member for Preseli Pembrokeshire.

What can the Welsh Government do?

Under Wales' devolution settlement, key aspects of any response to the conflict are reserved to the UK Government and so the Welsh Government is limited in its ability to entirely carve its own path.

Nevertheless, there is still much it can and wants to do.

Even though **international relations** are reserved to the UK Government, the Welsh Government has historically been keen to take a stance on global matters, as captured in its **2020 international strategy**. The strategy describes a "globally responsible nation" and a "nation of sanctuary committed to human rights and promoting peace".

Immigration is also the responsibility of the UK Government but asylum seekers and refugees who come to Wales receive public services and support provided by the Welsh Government, local authorities and other organisations. In 2019, the **Welsh Government declared** that Wales would become the world's first 'Nation of Sanctuary', a plan **endorsed by the United Nations**.

Welsh Ministers must comply **with the UK's international obligations** and to ensure their implementation in devolved areas. This means that the Welsh

Government is required to ensure that its actions remain compatible, including with human rights treaties and treaties that protect refugees. On 1 March, **the First Minister's statement referred to** the UK's "moral and legal" obligations under the United Nations' **1951 Refugee Convention**. He has asked the Prime Minister to "urgently put in place simple, fast, safe and legal routes to sanctuary in the UK."

The Welsh Government may be drawn in to **other elements of the conflict in Ukraine, such as BBC reports** of a ship carrying Russian cargo being diverted away from the port of Milford Haven, or the impacts of economic sanctions.

What happens next?

The Senedd is highly likely to consider future developments as the situation in Ukraine unfolds. A motion **has been tabled** for debate on 9 March by Darren Millar MS to condemn the invasion, to express solidarity with the people of Ukraine and to welcome the actions of the Welsh Government.

In the coming days and weeks, the Welsh Government will be aiming to put the plans announced this week into action, including preparing to welcome refugees to Wales. It launched similar responses to the recent situations in Afghanistan and Syria.

Russia's invasion of Ukraine is without comparison. This is modern warfare on European soil that has reshaped the global order in a matter of days. For the UK and Wales, its effects are likely to be far reaching and to resonate much closer to home for an indeterminable period of time.

A Nation of Sanctuary: responding to the humanitarian crisis in Ukraine

Published: 9 March 2022

Image of the old coaching route in Chirk, Wrexham





DESO I GYMRU

WELCOME

TO WALES

10. A Nation of Sanctuary: responding to the humanitarian crisis in Ukraine

Published: 9 March 2022

I have worked in refugee emergencies for almost 40 years, and rarely have I seen an exodus as rapid as this one.

The UN High Commissioner for Refugees Filippo Grandi speaking on 3 March 2022.

On 24 February Russian forces invaded Ukraine. On 7 March, **UN monitoring agencies reported that over 1.5 million refugees** had fled due to the ongoing fighting. It's likely that the number of refugees will continue to rise in the coming weeks and months. The **UN High Commissioner for Refugees estimates** that over 4 million people could flee Ukraine in search of protection and support elsewhere.

As numbers continue to grow, countries across the world have been responding to the humanitarian crisis by supplying food, clothing, and medical supplies. Many countries, particularly those bordering Ukraine, have also offered sanctuary to those fleeing the conflict.

This article summarises the response to the rapidly developing humanitarian crisis and details the Welsh Government's plans to help welcome refugees to Wales. It builds on our **previous article**, which described the initial response of the Welsh Government and the actions of Senedd Members in solidarity with Ukraine. .

The regional response

More than half of those displaced by the conflict have fled to Poland, with others travelling to bordering countries including Hungary, Moldova, Romania and Slovakia. A **data portal** established by the UN provides up to date details of the refugee situation. Men aged between 18-60 are prohibited from leaving Ukraine, so refugees are women and children.

The **inter-agency Regional Refugee Response Plan (RRP)** outlines the response and activities to support those countries' efforts to help people fleeing Ukraine. .

EU and UK support for refugees

While refugees may remain in neighbouring countries for some time hoping to return home, it is possible that many will choose to leave and travel elsewhere.

Many will have links and family members living in the EU and the UK. The European Commission activated the **Temporary Protection Directive**, which means those fleeing the war will be granted **temporary protection in the EU, given a residence permit and access to education and to the labour market.**

The UK Government has faced criticism over its response, with many calling for a relaxation of the visa requirements to allow more Ukrainians to come to the UK.

On 28 February the Home Secretary **highlighted** efforts to support British nationals and their families to leave Ukraine. A new route was set-up to allow dependents of British nationals resident in Ukraine who need a visa to apply through the temporary location in Lviv or application centres in neighbouring countries. As part of the points-based immigration route, language requirements and salary thresholds were lowered to ensure more people can be supported.

Further, the Home Secretary explained that:

We are giving British nationals and any person settled in the UK the ability to bring over their immediate Ukrainian family members. Through this extension alone, I can confirm that an additional 100,000 Ukrainians will be able to seek sanctuary in the UK with access to work and public services.

Defending the UK Government's decision not to introduce full visa waivers for all Ukrainians she said that it "is vital to keep British citizens safe" given "Russian troops are now infiltrating Ukraine and merging into Ukrainian forces".

On 1 March, the Home Secretary provided an **update to Parliament**. Responding to continued concerns that requiring biometric checks would cause unnecessary delays, she stated that the capacity at visa application centres has been expanded to meet the increased demand.

Humanitarian support package

The Home Secretary set out a **bespoke humanitarian support package**, which includes a free **Ukrainian family scheme, so:**

- British nationals and people settled in the UK can bring a wider group of family members to the UK;
- Parents, grandparents, adult offspring, siblings, and their immediate family members can join family members in the UK; and
- Those joining family members will be granted leave for an initial 12 months and

will be able to work and access public funds.

And a **humanitarian sponsorship pathway, which:**

[...] will open up a route to the UK for Ukrainians who may not have family ties with the UK, but who are able to match with individuals, charities, businesses and community groups. Those who come under this scheme will also be granted leave for an initial period of 12 months, and will be able to work and have access to public services.

Welsh Government response

As set out in our **previous article** on the conflict, while immigration policy is not devolved to Wales, the Welsh Government has developed a strong stance on supporting asylum seekers and refugees.

In 2019, the **Welsh Government declared** that Wales would become the world's first 'Nation of Sanctuary', a plan **endorsed by the United Nations**.

Welsh local authorities, public bodies and the third sector have played a **key role** in supporting asylum seekers and refugees since the introduction of the **Immigration and Asylum Act 1999**. All 22 local authorities have provided support to asylum seekers and refugees through UK Government resettlement schemes, including **those fleeing Afghanistan** and those arriving via the **Hong Kong BN(O) Visa Scheme**.

The Welsh Government and Members of the Senedd across political parties have **expressed strong support** to provide sanctuary in Wales for those fleeing Ukraine.

On the 1 March the First Minister **said** "as a nation of sanctuary, we will do everything we can to support the Ukrainian people. Wales is open to provide a welcome and safety to those fleeing war and persecution".

The First Minister also wrote to the Prime Minister setting out steps the UK Government should take to provide assistance, including: lifting the requirements for Ukrainians to provide biometric evidence before leaving Ukraine, and **extending EU Settlement Scheme** family permits beyond the 29 March to allow more to apply. On 3 March Welsh Ministers met with local government and third sector representatives to discuss preparedness for supporting those fleeing the war. The Minister for Social Justice confirmed that "there was a unanimous determination to offer all support possible" and that further updates will be provided in due course.

On 3 March the Senedd's **Equality and Social Justice Committee** and **Culture, Communications, Welsh Language, Sport, and International Relations**

Committee sent a **letter to the Prime Minister** which urged the UK Government to provide humanitarian support for Ukrainians, “beyond what’s already provided”.

While expressions of support have been forthcoming, ensuring refugees have the support they need to resettle can be challenging, particularly at a time when local authorities are continuing to support asylum seekers and refugees who are arriving in Wales via other schemes.

MS Mark Isherwood **called on the First Minister** to ensure the Welsh Government provides local authorities with support “to enable and encourage them to come forward with a quicker ability to provide support to refugees than occurred with the Syrian programme”.

A Senedd **debate** on the invasion is happening today (Wednesday 9 March).



