



Ein cyf/Our ref: MA-L/FM/0506/19 D4

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Dear Elin,

International obligations which bind the UK

I am writing to seek the views of the Business Committee on the National Assembly's engagement with international obligations which bind the UK. This issue has recently arisen in the context of the UK's efforts to conclude bilateral agreements with other EU countries to secure reciprocal voting rights in local government elections. However, the issue is one which can be anticipated to arise often, should we leave the EU, and which has broader constitutional implications.

The UK Government alerted us to these negotiations rather late in the day, after an agreement with Spain had been agreed in principle.

From the standpoint of current policy, this is unproblematic: it aligns fully with the commitment of the Welsh Government and a large majority in the National Assembly to extend the franchise for local government and National Assembly elections to all foreign nationals as part of our aim to make Wales a welcoming nation. Moreover, it will require no specific action on the part of the Welsh Government and the National Assembly.

However, in concluding agreements which bind all parts of the UK to extend the franchise to nationals of certain other countries the UK Government is effectively constraining both legislative and executive competence of the devolved institutions in future, since a future National Assembly with a different political outlook would be unable to legislate to remove the franchise from such citizens.

In the specific case of these agreements, there is a mechanism by which these reciprocal voting rights treaties can be modified, and we have emphasised the need for a process to

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

request the use of this mechanism to remove Wales from the agreement should a future Welsh Government or National Assembly adopt a different policy position from ours.

Nevertheless, the broader constitutional principle which is at play here will be relevant across all the international agreements the UK may seek to make in the future, both with the EU and with third countries more widely, which intersect with devolved competence.

We have emphasised to the UK Government that the Welsh Government must be fully engaged in the negotiation of such agreements in order to ensure that commitments are not made on our behalf without our agreement. Discussion on these points is ongoing, not least in the context of the Inter-Governmental Relations Review.

The UK Government has in any event already committed to initiating an exchange of Ministerial letters in all cases where proposed international agreements intersect with devolved competence in order to provide sufficient opportunity for the Welsh Government to signal any difficulties we might have with what is proposed. We have also emphasised the importance of ensuring we have an opportunity to engage with the Assembly in advance.

It is on this last point that I would particularly welcome views from the Assembly. I am keen that either before or during the exchange of Ministerial letters on international obligations which bind the UK, the Assembly and/or its committees have the opportunity to express a view. I am keen to work with you to establish a process or procedure for this.

I am copying this letter to the Chairs of the Equality, Local Government and Communities, the External Affairs and Additional Legislation, and the Constitutional and Legislative Affairs Committees, as well as to the Counsel General and Brexit Minister, the Minister for Finance and Trefnydd, and the Minister for International Relations and the Welsh Language.

Best wishes,

Mark

MARK DRAKEFORD