

Agenda – External Affairs and Additional Legislation Committee

Meeting Venue:

Committee Room 2 – Senedd

Meeting date: 23 September 2019

Meeting time: 13.30

For further information contact:

Rhys Morgan

Committee Clerk

0300 200 6565

SeneddEAAL@assembly.wales

Private pre-meeting

(13.15 – 13.30)

1 Introductions, apologies, substitutions and declarations of interest

(13.30)

2 Scrutiny session with the Minister for International Relations and the Welsh Language

(13.30–14.30)

(Pages 1 – 15)

Eluned Morgan AM, Minister for International Relations and the Welsh Language

Andrew Gwatkin, Welsh Government

Emma Edworthy, Welsh Government

3 Scrutiny session with James Duddridge MP, Parliamentary Under-Secretary (Department for Exiting the European Union)

(14.30–15.30)

James Duddridge MP, Department for Exiting the European Union

4 Papers to note

(15.30–15.35)



- 4.1 Paper to note 1: Correspondence from the Parliamentary Under-Secretary of State for Exiting the European Union to the Chair regarding attendance at Committee meeting – 12 September 2019**
(Page 16)
- 4.2 Paper to note 2: Correspondence from the Counsel General and Brexit Minister to the Chair of the Constitutional and Legislative Affairs Committee regarding inter-institutional relations – 13 September 2019**
(Pages 17 – 18)
- 4.3 Paper to note 3: Report by the Centre for Cross Border Studies on a new common charter for cooperation within and between these islands – 19 September 2019**
(Pages 19 – 23)
- 5 Motion under Standing Order 17.42(vi) to resolve to exclude the public from the remainder of the meeting**
(15.35)
- 6 Scrutiny session with the Minister for International Relations and the Welsh Language – consideration of evidence**
(15.35–15.50)
- 7 Scrutiny session with James Duddridge MP, Parliamentary Under-Secretary (Department for Exiting the European Union) – consideration of evidence**
(15.50–16.05)
- 8 Scrutiny of common UK policy frameworks: draft scrutiny process**
(16.05–16.15) (Pages 24 – 32)
- 9 Scrutiny of international agreements: draft scrutiny process**
(16.15–16.25) (Pages 33 – 40)

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Agenda Item 4.1



Department
for Exiting the
European Union

James Duddridge MP
Parliamentary Under Secretary of State
for Exiting the European Union
9 Downing Street
SW1A 2AG

correspondence@dexeu.gov.uk

David Rees AM,
Chair, External Affairs Committee,
National Assembly for Wales,
Cardiff Bay,
Cardiff,
CF99 1NA

12th September 2019

Dear David,

Thank you for your letter of 20 August and your kind welcome to my new position. I am writing in response to your invitation to provide evidence to the External Affairs Committee.

I would be happy to address your Committee and to update members on the UK Government's next steps in relation to our withdrawal from the European Union. I am also able to address questions on negotiations, as my department leads in this area. As you may be aware, responsibility for no deal preparations lies with my colleagues in the Cabinet Office, who will be best placed to update on this.

My officials will work with the Committee clerks to finalise the details. I look forward to visiting Wales and meeting the Committee in the coming weeks.

I am copying this letter to the Secretary of State for Wales.

**JAMES DUDDRIDGE MP
PARLIAMENTARY UNDER SECRETARY OF STATE
FOR EXITING THE EUROPEAN UNION**



Mick Antoniw AM
Chair, Constitutional and Legislative Affairs Committee
SeneddCLA@assembly.wales

13 September 2019

Dear Mick,

Thank you for your letter of 12 July 2019 regarding the Inter-Institutional relations agreement between the National Assembly for Wales and the Welsh Government.

Firstly, I would like to assure you that the Welsh Government is fully committed the principles of transparency upon which the agreement is based and supporting the Assembly's scrutiny role. The agreement also recognises our responsibility for relations with other UK administrations and the need for confidential intergovernmental discussion. On behalf of the Welsh Government, I apologise for any confusion which has arisen regarding the provision of a written summary of ministerial meetings falling within the scope of agreement. We assumed that where we had previously provided written statements to the Assembly, outlining the outcomes of meeting which would now be caught by the agreement, it would remain helpful to continue this practice and would also be in compliance with our obligation under paragraph 14 of the agreement. We recognise that a written statement might not be appropriate in all circumstances and in those instances we would provide a written summary of the relevant meeting(s) by way of a letter directly to the CLA Committee and any other relevant committee(s).

I do however appreciate that we can do more to inform you in advance as to the method we will likely be using to report the outcomes of such meetings. Therefore, in future where a written statement is appropriate we will notify you in advance of/on its publication - specifically identifying the written statement itself and identifying it as being the written summary of the issues discussed at the meeting.

As you know I represented the Welsh Government at a meeting of the Joint Ministerial Committee (European Negotiations) on 9 May; on 23 May I published a written ministerial statement summarising the discussions held at that meeting. The statement is available here:

<https://gov.wales/written-statement-joint-ministerial-committee-european-negotiations-0>

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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.

I also represented the Welsh Government at a meeting of the Joint Ministerial Committee (Europe) in London on 13 June. Please accept my sincerest apologies for the delay in updating you following that meeting. The meeting focused on the June European Council, the Finnish Presidency of the European Council and the Summertime Directive.

During the discussion on the June European Council, I welcomed the commitment to ongoing sincere cooperation and requested further update on Multiannual Financial Framework (MFF) developments, whilst noting disappointment in engagement with the Devolved Administrations on this matter so far. The progress of the MFF was also considered during the discussion on the Finnish Presidency.

I made clear my disappointment in the UK's Government's approach to involving the Devolved Administrations in the design of the new funding system under the Shared Prosperity Fund and requested a substantive agenda item on this at the next meeting expected to take place in early October.

In relation to the discussion on the Summertime Directive, I sought a commitment from UK Government to further analysis of the evidence base before coming to a position on the Directive.

At Joint Ministerial Committee (Europe Negotiations) on 12 September I received no assurance that current negotiations with the EU would deliver a deal. As a result no deal remains our central planning scenario and we remain focussed on protecting Wales as best we can.

I am copying this letter to the First Minister and to the Chair of the External Affairs and Additional Legislation Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'JMiles', written in a cursive style.

Jeremy Miles AM

Y Cwnsler Cyffredinol a Gweinidog Brexit
Counsel General and Brexit Minister

From: Anthony Soares <a.soares@qub.ac.uk>
Sent: 19 September 2019 10:38
To: Rees, David (Aelod Cynulliad | Assembly Member)
Cc: External Affairs and Additional Legislation Committee | Y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol
Subject: Request to note item by Committee
Attachments: A New Common Charter - FINAL.pdf

Dear Mr Rees,

I am writing to you in your capacity as Chair of the External Affairs and Additional Legislation Committee.

I would respectfully ask, as it has not proved possible to appear before the Committee on this matter, whether the Committee might note receipt of the New Common Charter for Cooperation Within and Between these Islands (attached), which represents the culmination of a long dialogue and meetings between community organisations in Northern Ireland, Ireland, Scotland, England and Wales.

The New Common Charter represents the desire of community organisations across these islands to maintain productive relations and to cooperate with one another across jurisdictional boundaries where that is of mutual benefit, and that such cooperation needs to be supported in whatever circumstances arise as a result of the UK's departure from the EU. It is vital that Welsh community organisations can work with their counterparts on the island of Ireland, and across GB.

Thank you for your consideration of this matter.

Kind regards,

Anthony

[Dr Anthony Soares | Acting Director](#)

A New Common Charter

for cooperation within and between these islands

“An initiative to empower civic society to drive cross-border, North-South and East-West cooperation across these islands.”¹

Introduction

The vision for cooperation within and between these islands by grassroots community organisations we propose below was developed in the light of our critical engagement with what had been known as the “Common Chapter”. Following the 1998 Belfast/Good Friday Agreement, the devolved administration in Northern Ireland gave its approval to a section on cooperation with the Republic of Ireland in the *Northern Ireland Structural Funds Plan 2000-2006*. The same text was contained in the Republic of Ireland’s *National Development Plan 2000-2006* in a section on cooperation with Northern Ireland. This replicated text – the “Common Chapter” – set out the two Governments’ priorities for cooperation and how funds (particularly European Union funds) would be used to support it. It was understood that cross-border cooperation for the island of Ireland had three dimensions:

- cooperation along the border corridor and between Northern Ireland and the border counties of Ireland;
- North-South cooperation within the island of Ireland; and
- East-West cooperation between the island of Ireland and Great Britain, Europe and internationally.

Within the 2000-2006 period for which these plans were designed devolution in Northern Ireland was suspended, and following the restoration of the Northern Ireland Assembly in 2007 the Common Chapter was not revived.

What follows below, therefore, is the result of a sustained process of engagement by grassroots community organisations from Northern Ireland and the Republic of Ireland with the notion of cross-border, North-South, and East-West cooperation, and conversations with counterparts in England, Scotland and Wales. This has led to a vision of cooperation and what it should entail.

It comes about in recognition of the need for cross-border and cross-boundary cooperation to be independently valued and enacted at the grass-roots level, with people and

¹ This has been developed as a result of the “Towards a New Common Chapter” project, led by the Centre for Cross Border Studies (www.crossborder.ie), and generously funded by the Joseph Rowntree Charitable Trust, the Community Relations Council, and Ireland’s Department of Foreign Affairs and Trade’s Reconciliation Fund.

communities setting their own priorities and advocating for their inclusion in regional and local strategies. Without this engagement, it will continue to be hostage to the political environment and the time-limited pursuit of European funding, hampering the ability of cross-border and cross-boundary cooperation to contribute to the development of meaningful and productive relations among people and communities within and between these islands.

In a rapidly changing context, it is essential that community organisations are ready to contribute to the shaping of development plans at local and regional levels, and to identify and exploit possibilities for North-South and East-West cooperation that will be of benefit to them.

A New Common Charter

Recalling the “Common Chapter” on cross-border, North-South and East-West cooperation that existed in Ireland’s National Development Plan and Northern Ireland’s Structural Funds Plan, **we hereby propose a New Common Charter for Cooperation Within and Between these Islands** by grassroots community organisations that promotes social justice and equality, but do so:

- Acknowledging and respecting the differences that make these islands what they are, while also recognising and cherishing the relations between the people and communities that live in its different nations and regions;
- Recognising, valuing and accepting languages whose roots may cross the borders within and between our islands;
- Recognising that faith traditions are organised and followed by people and communities within and across these islands;
- Valuing the musical, literary and other artistic and cultural traditions and their expression that have spread across the world and whose development has been assisted through relations within and between these islands;
- Realising that whilst we can compete against each other, sport and sporting organisations also unite us within and between these islands; and
- Recognising that our islands are connected by family bonds that cross the borders that separate them.

We hereby propose a New Common Charter for Cooperation by grassroots community organisations within and between these islands which values how it can:

- Maintain and strengthen family ties and friendships that cross borders;
- Allow for the sharing of local resources and services across boundaries;
- Increase opportunities for the sharing between people and communities of information, knowledge of policy and best-practice within and across these islands;

- Widen our evidence-base to include what is happening across the borders that separate us;
- Improve policy-making by matching it to the realities on the ground and identifying cross-border opportunities to collaborate to solve shared problems or exploit common resources;
- Promote cross-border friendly relations between people and communities that give insight into the views of those from within and across these islands, and allow for difficult conversations to be had;
- Promote a civil society that values diversity and in which there is the ability to disagree respectfully;
- Facilitate the exploration and celebration of a community's culture and heritage with a view to future cooperation;
- Increase the protection and enjoyment of the environment;
- Encourage and develop community leadership;
- Contribute to our common safety and wellbeing;
- Explore economic opportunities;
- Discover and enhance tourism potentials;
- Exploit mutually beneficial links in education, including adult and community education, as well as higher education; and
- Engage with and support human rights, particularly for the most isolated and marginalised in our communities.

We believe that grass-roots community cooperation within and between these islands can usefully contribute to the following issues:

- Building inclusive communities;
- Capacity-building for community leadership in cooperation, especially for emerging leaders;
- Exploiting the potential of cross-border tourism, especially rural tourism, which includes not only the Northern Ireland-Ireland border, but also the Wales-England and Scotland-England borders;
- The exploration of histories and heritage that cross borders within and between these islands;
- Improving women's representation in decision-making structures;
- Promoting the need for affordable, accessible quality childcare and social care support;
- The promotion and support for gender equality proofing and gender budgeting;
- Advocating for the provision of affordable, accessible and regular transport services, especially in rural areas and border regions;

- Promoting the need to facilitate educational opportunities within and between these islands, including through the removal of any undue administrative and/or financial obstacles that may discourage the movement of learners across these islands;
- Advocating for the improvement of the value given to and the quality of vocational and non-university paths to careers; and
- Promotion and support for rural proofing and regionally balanced budgeting and resourcing.

We hereby commend this New Common Charter for Cooperation Within and Between these Islands, and call on community organisations, representative bodies and networks across these islands to indicate their support by undersigning it and promoting its contents.² We also call on political representatives across these islands to support and facilitate the achievement of this New Common Charter's objectives, ensuring that community organisations are encouraged and given the means to cooperate within and between these islands.

² To show your support for the New Common Charter, email Anthony Soares at the Centre for Cross Border Studies (a.soares@gub.ac.uk). Your organisation's name and logo will be added to the list of supporters appearing on the project website (<http://crossborder.ie/towards-a-new-common-chapter/>), and included in the network receiving updates on the New Common Charter's progress and work on the next steps.

Agenda Item 8

By virtue of paragraph(s) vi of Standing Order 17.42

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