

HOUSE OF LORDS

International Agreements Committee

13th Report of Session 2021–22

**Scrutiny of international
agreements: UK-Ukraine
Credit Support Agreement
and ILO Violence and
Harassment Convention**

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International Agreements Committee

The International Agreements Committee is appointed by the House of Lords in each session to consider matters relating to the negotiation, conclusion and implementation of international agreements, and to report on treaties laid before Parliament in accordance with Part 2 of the Constitutional Reform and Governance Act 2010.

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See Appendix 1.

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The current staff of the Committee are Jennifer Martin-Kohlmorgen (Clerk), Andrea Ninomiya (Policy Analyst) and Robert Cocks (Committee Operations Officer).

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CONTENTS

	<i>Page</i>
Summary	2
Chapter 1: Agreement reported for the special attention of the House	3
Framework Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ukraine on Official Credit Support for the Development of the Capabilities of the Ukrainian Navy (CP 553, 2021)	3
The significance of this Agreement in the context of UK military assistance to Ukraine since 2014	4
UK-Ukraine-Russia policy	5
Ukraine-Russia crisis re-ignited	5
Chapter 2: Agreement reported for information	7
The ILO Violence and Harassment Convention 2019 (CP 555, 2021)	7
Entry into force	8
Governance and amendments	8
Territorial scope and consultation	9
Appendix: List of Members, declarations of interest and Committee staff	10

SUMMARY

This report addresses the following Agreement, laid before Parliament in accordance with section 20 of the Constitutional Reform and Governance Act 2010 (CRAG), which we report for the special attention of the House:

- Framework Agreement, done at London on 12 November 2021, between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ukraine on Official Credit Support for the Development of the Capabilities of the Ukrainian Navy (CP 553, 2021)

We report the UK-Ukraine Credit Support Agreement in this way on the grounds that it is politically important and gives rise to issues of public policy that the House may wish to debate prior to ratification. The Agreement signals important UK support to Ukraine and its territorial integrity. In the light of recent Russian military deployments to the Ukraine-Russia border and the resulting heightened tensions, reporting the Agreement to the special attention of the House will afford the Government an opportunity to set this Agreement in its context, and for Members of the House to debate it.

A motion which would provide for a debate on the UK-Ukraine Credit Support Agreement will be tabled in the Committee Chair's name.

This report addresses a further Agreement considered at the same meeting, which we report for information:

- The International Labour Organisation Violence and Harassment Convention 2019 (No. 190), done at Geneva on 21 June 2019 (CP 555, 2021)

Scrutiny of international agreements: UK-Ukraine Credit Support Agreement and ILO Violence and Harassment Convention

CHAPTER 1: AGREEMENT REPORTED FOR THE SPECIAL ATTENTION OF THE HOUSE

Framework Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ukraine on Official Credit Support for the Development of the Capabilities of the Ukrainian Navy (CP 553, 2021)¹

1. The Framework Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ukraine on Official Credit Support for the Development of the Capabilities of the Ukrainian Navy (the UK-Ukraine Credit Support Agreement) was laid on 22 November 2021, and the scrutiny period is scheduled to end on 11 January 2022. It was considered by the Committee on 8 December 2021.
2. The purpose of the Agreement is to bolster Ukraine's naval capabilities by providing the framework for a £1.7bn loans package to enable Ukraine to purchase two British minesweeper vessels and retrofit UK weapons systems to existing vessels, and for specified UK contractors to work with Ukraine to build eight missile ships and a frigate. The package also includes consultancy and technical support for the building of naval infrastructure, including the delivery of equipment. The Agreement includes deadlines for granting credits, with each contract having to be allocated no later than 31 December 2024.²
3. Although the Agreement provides a framework to allow contracts to be placed and be accompanied by UK Export Finance support, it does not set out the specific contracting or financing arrangements at this stage, which will need to be negotiated separately.
4. A bilateral agreement was necessary because standard Ukrainian procurement rules would not have allowed Ukraine to make a single source contract award, and would not have allowed a certain percentage of the goods and services to originate from the UK, which is itself a condition for UK Export Finance. The Explanatory Memorandum (EM) published alongside the Agreement

1 Framework Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ukraine on Official Credit Support for the Development of the Capabilities of the Ukrainian Navy, CP 553, November 2021: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1034478/CS_Ukraine_1.2021_Framework_Agreement_Credit_Support_Navy.pdf [accessed 9 December 2021]

2 Article 9. Deadlines may only be extended in exceptional circumstances and after mutual agreement through an exchange of letters.

explains that Ukraine has signed similar agreements with other countries (although it does not list them).³

5. The Agreement contains commitments from both Parties to fight against corruption in international commercial transactions, and the UK can refuse payment to Ukraine where commitments are breached:

“In the event of failure to comply with the undertakings set out in this Article, the UK Party reserves the right to refuse to allocate any relevant Contract and/or to suspend disbursements of the Credit to the Borrower in relation to the relevant Contract.”⁴

6. The Agreement will enter into force on the day that both Parties have confirmed that their relevant domestic procedures have been completed. The EM explains that no domestic implementing legislation is required to bring it into force.

The significance of this Agreement in the context of UK military assistance to Ukraine since 2014

7. In response to Russia’s annexation of Crimea and the military conflict in the Donetsk and Luhansk regions of eastern Ukraine (the Donbas) in 2014, the UK has provided substantial bilateral military assistance and training to Ukraine. The original training package was extended in 2018 to include the navy—with Royal Navy and Royal Marines personnel deployed to deliver training to the Ukrainian Navy.⁵ Operation Orbital, the name of the UK’s training operation in Ukraine, has trained around 22,000 Ukrainian troops to date.⁶ Unlike the approach followed by the United States, the UK Government initially ruled out providing lethal arms to Ukraine. The then Foreign Secretary, Philip Hammond, however, set out the UK’s right to review its position:

“It is a national decision for each country in the NATO alliance to decide whether to supply lethal aid to Ukraine. The UK is not planning to do so, but we reserve the right to keep this position under review.”⁷

8. The provision of financing to purchase weapons systems and build war ships under the Credit Support Agreement therefore represents a step change from the UK’s original approach of providing non-lethal support—a change that has its origins a Memorandum of Intent signed in October 2020.
9. In October 2020, Ukrainian Minister of Defence Andriy Taran and UK Defence Secretary Ben Wallace signed a Memorandum of Intent on military and defence construction cooperation, to be largely funded through

3 Department for International Trade, *Explanatory Memorandum on the “Framework Agreement” between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ukraine on Official Credit Support for the Development of the Capabilities of the Ukrainian Navy*, November 2021: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1034479/EM_Ukraine_1.2021_Framework_Agreement_Credit_Navy.odt [accessed 9 December 2021]

4 Article 8

5 House of Commons Library, *Military Assistance to Ukraine*, Briefing Paper, [Number 7135](#), 29 April 2021

6 HL Deb, 29 November 2021, [col 1129](#)

7 HC Deb, 10 February 2015, [col 619](#)

UK Export Finance (UKEF).⁸ This was followed by a Memorandum of Implementation to support the enhancement of Ukrainian naval capabilities in June 2021.⁹

UK-Ukraine-Russia policy

10. In its Integrated Review of Security, Defence, Development and Foreign Policy published in March 2021, the UK Government made clear that it considers Russia to be “the most acute threat to our security”, and explicitly set out military support for Ukraine as one of its objectives:

“The UK respects the people, culture and history of Russia. However, until relations with its government improve, we will actively deter and defend against the full spectrum of threats emanating from Russia ... We will also support others in the Eastern European neighbourhood and beyond to build their resilience to state threats. This includes Ukraine, where we will continue to build the capacity of its armed forces.”¹⁰

11. On 29 November, Defence Minister Baroness Goldie summarised the UK’s position in answering an oral question in the House:

“...we have signed a number of agreements with the Government of Ukraine to work together and with industry to boost Ukraine’s defence capabilities. This is part of the UK’s ongoing commitment to the Ukrainian defence capabilities and the support announced during President Zelensky’s visit to the UK in October. The UK maintains close dialogue with key allies, including Germany, France and the US, regarding Ukrainian military development. These agreements reflect and underline the UK’s commitment to Ukraine’s territorial integrity and sovereignty.”¹¹

Ukraine-Russia crisis re-ignited

12. Since late October, concerns have been rising about the risk of a significant Russian military incursion into Ukraine, following reports of a build-up of Russian troops and military equipment on the border shared by the two countries.¹² Although he did not supply any evidence, on 26 November,

8 Naval Technology, ‘Ukraine to boost naval capabilities with UK loan’, 9 October 2020: <https://www.naval-technology.com/features/ukraine-to-boost-naval-capabilities-with-uk-loan/> [accessed 9 December 2021]

9 Ministry of Defence, Press Release: ‘UK signs agreement to support enhancement of Ukrainian naval capabilities’, 23 June 2021: <https://www.gov.uk/government/news/uk-signs-agreement-to-support-enhancement-of-ukrainian-naval-capabilities>. The June memorandum was signed by both Parties and UK defence industry representatives on HMS Defender, which later that day was involved in a confrontation with the Russian military while on its way to Georgia sailing near the Crimean Peninsula. See: BBC News ‘HMS Defender: Russian jets and ships shadow British warship’, 23 June 2021: <https://www.bbc.co.uk/news/world-europe-57583363> [accessed 2 December 2021]

10 HM Government, *Global Britain in a competitive age The Integrated Review of Security, Defence, Development and Foreign Policy*, CP 403, March 2021, p 61: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/975077/Global_Britain_in_a_Competitive_Age_the_Integrated_Review_of_Security_Defence_Development_and_Foreign_Policy.pdf [accessed 9 December 2021]

11 HL Deb, 29 November 2021, [col 1128](#)

12 See, for example: ‘Russian troop movements near Ukraine border prompt concern in U.S., Europe’, *The Washington Post*, 30 October 2021: https://www.washingtonpost.com/world/russian-troop-movements-near-ukraine-border-prompt-concern-in-us-europe/2021/10/30/c122e57c-3983-11ec-9662-399cfa75efee_story.html [accessed 9 December 2021] ‘Satellite images show new Russian military buildup near Ukraine’, *Politico*, 1 November 2021: <https://www.politico.com/news/2021/11/01/satellite-russia-ukraine-military-518337> [accessed 9 December 2021]

Ukraine's President Zelensky claimed that his country's intelligence services had obtained recordings of a Russian-backed coup plot against his government.¹³

13. Tensions have continued and, at the time of publication of this report, there was little sign of a de-escalation. On 30 November a NATO meeting of Foreign Affairs Ministers was held to discuss Russian motives, and NATO issued a warning to Russia that it would pay "a high price" if it were to use force against Ukraine.¹⁴ President Putin, in turn, responded that Russia would be forced to act if NATO missiles were deployed in Ukraine and asked for guarantees that NATO would stop its eastward expansion, and not deploy weapons systems in any countries with which Russia shares a border. NATO's view is that it is up to individual countries, including Ukraine, to choose its alliances, and that deployments of missile shields in Poland and Romania are aimed at countering states outside the Euro-Atlantic area, and are not intended as a threat to Russia.¹⁵
14. **The UK-Ukraine Credit Support Agreement represents an important sign of support for Ukraine and its territorial integrity. The provision of credit to purchase British weapons systems and jointly build warships marks an important shift in UK policy. Given the present heightened risks of conflict, this Agreement should be considered in the context of the UK and NATO's commitments to Ukraine. The Government should therefore use the occasion of a parliamentary debate to set out its current approach with its allies to countering any threats to Ukraine's territory and sovereignty, in line with the Government's stated policy.**
15. **We report the UK-Ukraine Credit Support Agreement to the special attention of the House on the grounds that it is politically important, and gives rise to issues of public policy that the House may wish to debate prior to ratification.**
16. **We make our report on this Agreement for debate.**

13 'Ukraine has uncovered Russia-backed coup plot, says president', *Financial Times* 26 November 2021: <https://www.ft.com/content/9d4a999e-2ac3-4887-934a-0c30b20809fe> [accessed 9 December 2021]

14 NATO, Press conference by NATO Secretary General Jens Stoltenberg at the Meeting of NATO Ministers of Foreign Affairs, Riga, 30 November 2021: https://www.nato.int/cps/en/natohq/opinions_189146.htm [accessed 9 December 2021]

15 See: NATO, 'NATO-Russia relations: the facts', 22 October 2021: https://www.nato.int/cps/en/natohq/topics_111767.htm#c401; [accessed 9 December 2021]

CHAPTER 2: AGREEMENT REPORTED FOR INFORMATION

The ILO Violence and Harassment Convention 2019 (CP 555, 2021)¹⁶

17. The International Labour Organisation Violence and Harassment Convention 2019 (No. 190) (the ILO Convention on Violence and Harassment) was laid on 15 November 2021, and the scrutiny period is scheduled to end on 15 December 2021. It was considered by the Committee on 8 December 2021.
18. The International Labour Organisation (ILO) is a specialist tripartite agency of the United Nations which seeks to bring together governments, employers and workers of 187 member States, to set labour standards, develop policies and devise programmes promoting decent work for all.
19. The ILO Convention on Violence and Harassment was adopted in June 2019 at the 108th Session of the International Labour Conference.
20. The ILO describes the Convention as the “first international treaty to recognize the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment”.¹⁷ It has indicated that States which sign the ILO Convention:

“... will be required to put in place the necessary laws and policy measures to prevent and address violence and harassment in the world of work. The Convention represents an historic opportunity to shape a future of work based on dignity and respect for all.”¹⁸
21. Article 2 of the ILO Convention on Violence and Harassment sets out that its scope is to protect workers and “other persons in the world of work”. This includes:

“... employees as defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, and individuals exercising the authority, duties or responsibilities of an employer.”¹⁹
22. The Convention seeks to protect workers from violence and harassment by requiring States to adopt an inclusive, integrated and sex-responsive approach for the prevention and elimination of violence and harassment in the world of work. Violence and harassment are described in the Convention as a range of unacceptable behaviours, practices or threats “that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm”.²⁰
23. In addition to the legally binding text of the Convention itself, the ILO has also published guidance on its practical application.²¹

16 International Labour Organization, ‘Eliminating Violence and Harassment in the World of Work’: <https://www.ilo.org/global/topics/violence-harassment/lang--en/index.htm> [accessed 9 December 2021]

17 *Ibid.*

18 *Ibid.*

19 Article 2

20 Article 1

21 International Labour Organization, ‘Recommendation R206: Violence and Harassment Recommendation, 2019 (No. 206)’, 10 June 2019: https://www.ilo.org/dyn/normlex/en/f?p=NORML_EXPUB:12100:0::NO::P12100_ILO_CODE:R206 [accessed 9 December 2021]

24. The Convention entered into force on 25 June 2021, twelve months after two members of the ILO had ratified it.²² The Explanatory Memorandum (EM) accompanying the Convention indicates that the UK Government was “very positively engaged in negotiating and concluding the adoption of the Convention and considers it important to ratify it in order to demonstrate continued international leadership on this important issue”.²³
25. The EM states that no new legislation is required to implement the Convention (and sets out a list of more than 30 measures which ensure that sexual offences, harassment, stalking, domestic violence and employment rights are dealt with in UK law). Consequently, it appears that the Convention will grant workers no additional rights than already exist under UK domestic law.
26. The Government was asked a written question about ratification of the Convention in February 2020. In response, Mims Davies MP, a Parliamentary Under-Secretary at the Department for Work and Pensions, said that:
- “My Department is currently taking the steps necessary to ensure full cross-Government consideration of ratification, including consulting the Devolved Administrations. Once this process has been completed, we will inform Parliament of the Government’s intentions with regards to ratification.”²⁴
27. This consultation has now taken place and, as no further implementing legislation is required, the Convention’s ratification can take place as soon as the CRAG period has expired on 15 December.

Entry into force

28. The Convention would enter into force for the UK one year after the date of the UK’s ratification.²⁵

Governance and amendments

29. The EM accompanying the Convention makes no clear reference to governance, enforcement or amendments. It does highlight a provision which allows the Convention to be denounced.
30. From the text of the Convention itself, it appears that enforcement and remedies are only to be provided through domestic laws and regulations.²⁶
31. Article 15 provides that a Member which has ratified this Convention may denounce it only at defined points every ten years from the date on which the Convention first comes into force.
32. The EM provided with the Convention makes no reference to amendments. The text of the Convention itself provides that if the Conference of the ILO should adopt a new Convention revising the ILO Convention on Violence and

22 At the time of writing, nine countries had ratified the ILO Convention on Violence and Harassment: Uruguay, Greece, Italy, Argentina, Ecuador, Fiji, Namibia, Mauritius and Somalia.

23 Foreign, Commonwealth & Development Office, *Explanatory memorandum: ILO Violence and Harassment Convention, 2019 (No.190)*, November 2021: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1032109/EM_MS_7.2021_ILO_Violence_Harassment_Convention_190.odt [accessed 9 December 2021]

24 Ministerial statement [12984](#), Session 2019-21

25 Article 14

26 Articles 10 and 12

Harassment, then the new revising Convention “shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 15 above, if and when the new revising Convention shall have come into force”.²⁷ We anticipate that any new revising Convention would be subject to ratification under the Constitutional Reform and Governance Act 2010.

33. **We regret that the Government did not set out its own views on these issues in the Explanatory Memorandum (EM) accompanying the Convention, as set out in the FCDO guidance on the drafting of EMs. We call on the Government to notify us if it disagrees with any of our conclusions.**

Territorial scope and consultation

34. The Convention applies to the UK only. The EM makes clear that the Government will work with any Overseas Territory and Crown Dependency which wishes the UK’s ratification of this Convention to extend to it in the future.
35. The EM also indicates that the Government consulted the Devolved Administrations on the drafting of this Convention and in the preparation of this EM. It states that each of the Devolved Administrations is content for the UK Government to ratify the Convention. In addition, the Government indicated that it consulted with representatives of the Trades Union Congress (TUC), Confederation of British Industry (CBI) and NGOs, all of whom were strongly supportive of the Convention’s aims and the Government’s intention to ratify.
36. **We report the International Labour Organisation Violence and Harassment Convention 2019 to the House for Information. We note, in particular, the concern raised at paragraph 33.**

27 Article 19

APPENDIX: LIST OF MEMBERS, DECLARATIONS OF INTEREST AND COMMITTEE STAFF

International Agreements Committee Members and staff

Lord Astor of Hever

No relevant interests

Lord Gold

Director, Gold Collins Associates Ltd

Principal, David Gold & Associates LLP

Baroness Hayter of Kentish Town

No relevant interests

Lord Kerr of Kinlochard

Chairman, Centre for European Reform

Deputy Chairman, Scottish Power plc

Lord Lansley

Director, LOW Associates Ltd

Chair, UK-Japan 21st Century Group

Trustee, Radix

Baroness Liddell of Coatdyke

Adviser, PricewaterhouseCoopers

Association Member, Bupa

Chair, Annington Ltd

Honorary Vice President, Britain-Australia Society Education Trust

Trustee, Northcote Educational Trust

Lord Morris of Aberavon

No relevant interests

Lord Oates

Chair, Advisory Committee, Weber Shandwick UK

Director, H&O Communications Ltd

Lord Razzall

Director, North Atlantic Mining Associates Limited

Director, ZeU Technologies Inc

Shareholdings, ZeU Technologies Inc

Shareholdings, St-Georges Eco-Mining Corporation

Shareholdings, Tintra plc

Lord Robathan

No relevant interests

Earl of Sandwich

No relevant interests

Lord Watts

No relevant interests

The Committee staff are Jennifer Martin-Kohlmorgen (Clerk), Andrea Ninomiya (Policy Analyst), and Robert Cocks (Committee Operations Officer).

Specialist Adviser

Alex Horne acted as Specialist Adviser to the Committee and declared the following interests:

Counsel, Hackett & Dabbs LLP; Visiting Professor at Durham University; and Special Adviser, United Nations Development Programme (Pacific Region).