

**NATION BUILDING:
IMPLEMENTING DEVOLUTION
IN THE UNITED KINGDOM—
THE WELSH EXPERIENCE**

John Osmond

IBIS working paper no. 23

**NATION BUILDING:
IMPLEMENTING DEVOLUTION
IN THE UNITED KINGDOM—
THE WELSH EXPERIENCE**

John Osmond

Working Papers in British-Irish Studies
No. 23, 2002

**Institute for British-Irish Studies
University College Dublin**

IBIS working papers
No. 23, 2002

© the author, 2002

ISSN 1649-0304

ABSTRACT

NATION BUILDING: IMPLEMENTING DEVOLUTION IN THE UNITED KINGDOM— THE WELSH EXPERIENCE

The Welsh experience of devolution can best be summarised by contrasting it with the Scottish. Where Scotland had an established array of civic institutions, the National Assembly of Wales found itself in the position of having to construct an institutional reality. The Assembly faced a number of constraints: its powers were limited to those previously held by the Secretary of State for Wales, and it was established as a corporate body. However, it soon became clear that the view of the Assembly as a continuation from previous administrations was unsustainable. This paper discusses the role of a number of key characters and agencies in redefining the nature of the National Assembly. In addition to the development of a strong central authority the author tracks the related emergence of a new civic culture in Wales. The paper concludes by examining the broader impact of the Welsh experience of devolution on territorial politics within the British Isles, and Welsh engagement with a network of European regions.

Publication information

Paper presented to the IBIS conference *Renovation or revolution? New territorial politics in Ireland and the United Kingdom*, University College Dublin, 3 April 2002.

BIOGRAPHICAL INFORMATION

John Osmond is Director of the Institute of Welsh Affairs, a policy 'think tank' based in Cardiff. He has written widely on Welsh politics and culture. His most recent books include: *Building a civic culture: institutional change, policy development and political dynamics in the National Assembly for Wales* (editor, IWA, 2002), *Inclusive government and party management: the National Assembly for Wales and its committees* (editor, IWA, 2001), *The National Assembly agenda* (editor, IWA, 1998), and *Welsh Europeans* (Seren, Bridgend, 1997).

NATION BUILDING: IMPLEMENTING DEVOLUTION IN THE UNITED KINGDOM— THE WELSH EXPERIENCE

John Osmond

INTRODUCTION

The Welsh experience of devolution can be best summarised by contrasting it with the Scottish. In Scotland the new Parliament re-assembled in 1999 to take charge of a pre-existing array of civic institutions that survived and flourished beyond the 1707 parliamentary union with England. These included a distinctive legal system, a separate structure for education, and the Scottish Kirk. Later were added Scottish financial institutions, a mature system of administration from the 1880s, and a highly developed press and media. To a great extent Scottish identity revolved around these institutions. They provided Scots with a civic, and because of that a unified, sense of their nationality. Consequently, when the Scottish Parliament met in 1999 it was as though a keystone was placed in an arch of an already-existing structure.

In Wales the position could not have been more different. Apart from a much shorter experience of separate administration by the Welsh Office from 1964, the idea of a civic identity embracing the whole of Wales was foreign to the Welsh. Instead, their identity relied upon a much more fractious sense of locality, language and culture. This was one reason why, in contrast to the Scots, the idea of a National Assembly was so controversial and only narrowly achieved. When it came, far from completing an institutional structure, the Assembly had to set about building one. Before it could become the keystone it had to construct the arch.

THE NATIONAL ASSEMBLY AS A CORPORATE BODY

The powers of the National Assembly are limited to those previously exercised by the Secretary of State for Wales, dispersed across some 300 laws and statutes. They had been built up in piecemeal fashion over more than 30 years, as administrative responsibilities over, first, local government, roads and housing, and later education, economic development, health, the environment, agriculture, and eventually most policy areas of domestic concern, were gradually devolved to the old Welsh Office. Hence the Assembly's powers are derived from a complex array of specific ministerial functions, named in separate pieces of Westminster primary and secondary legislation. They are highly prescriptive, detailing the precise powers the Assembly may exert.

Within the Act the functions had to be transferred to some authority. In the absence of legislative powers, and hence a clearly defined and distinctive executive, the drafters of the Bill came up with the notion of the Assembly as a whole as a corpo-

rate body to which the powers would be transferred. As the Counsel General Winston Roddick, Wales' leading law officer, has said, this means the Assembly is 'a single legal personality' (Roddick, 1999) in which its legislative and executive functions are combined rather than separated, as is normal in parliamentary institutions.

Although the Assembly was denied primary powers, it has responsibility for formulating secondary legislation that on occasion can be important. Already it is beginning to create a separate body of Welsh law, and the beginnings of a distinctive Welsh set of laws for the first time since 1536 when Henry VIII abolished Wales's distinctive legal system and incorporated the country into England. As the Counsel General has concluded, "... there is bound to develop a body of Welsh jurisprudence. The laws made by the Assembly will be at the heart of this development" (Roddick, 2002).

Nonetheless, the Wales Act created an institution with an uncertain constitutional status. The Assembly has no precedent; as the Counsel General also said, "this Parliament is like a child without a parent" (Roddick, 2002). Externally, due to its lack of primary legislative powers it remains dependent on Westminster for any major policy development it wishes to pursue. Internally, the absence of a separation of powers between its legislative and executive arms was further confused by the grafting of a Cabinet system on to the Assembly's legal status as a corporate body during the passage of the Wales Act.

This unwieldy design was predicated largely on the assumption—at the time not unrealistic—that there would be a comfortable Labour majority to ensure the Assembly's smooth running. However, those who put the structure in place failed to anticipate the impact of an element of proportional representation in the electoral system. This combined with a propensity amongst the electorate to behave differently from established patterns at Westminster in what was perceived to be a *Welsh* election. The result was that Labour failed to win an overall majority in the first elections held on 6 May 1999, although it emerged as the largest party, with 28 seats. Between them the Opposition—Plaid Cymru (17), the Conservatives (9), and the Liberal Democrats (6)—could combine to outvote the minority administration.

The content of the Wales Act was determined more by political compromise and tactics than by considerations of constitutional consistency or coherence. As the Presiding Officer Lord Elis-Thomas put it, the Act was:

... not based on a clear legislative principle. It could be said to have elevated piecemeal development to an art form ... We are not at the beginning of a new constitution for Wales. We are at the beginning of the end of the old constitution ... We have the least that could be established at the time (Elis-Thomas, 2000b).

This constitutional inheritance prompted two views about the way the Assembly should work. The first saw the new institution as essentially an addition to the previous Welsh Office arrangements, with the administration continuing to act in large

measure as an outpost of Whitehall, and the Assembly Members (AMs) operating in a kind of advisory capacity. Certainly, in the Assembly's opening months Alun Michael, who had seamlessly moved from his role of Secretary of State for Wales within the Welsh Office to First Secretary within the Assembly, operated in executive terms as if little had changed.

This outlook rapidly became unsustainable, however, as the eventual vote of no confidence in Alun Michael asserted. The injection of 60 elected politicians into the previous system of Welsh governance was no mere evolution in which business could carry on as though little of substance had altered. In practice it was to revolutionise the old territorial pattern of Whitehall-dominated administration. The future was not to be more of the same but, instead, the acquisition of a parliamentary process for Welsh democratic governance. This was the central constitutional debate that animated the Assembly's first year and which crystallised in the motion of no confidence in Alun Michael in February 2000. As the Presiding Officer remarked:

The difficult and complex growth of parliamentary-type government in the National Assembly, from within the body of territorial administrative/executive government in the previous system has provided the main drama of the first year of powers... (Elis-Thomas, 2000a).

MOVES TOWARDS A PARLIAMENTARY INSTITUTION

The constitutional history of the Welsh devolution's early years was dominated by an emphatic rejection of the corporate body. Instead, the Assembly moved as far as it possibly could in the direction of separating its administrative and legislative roles. By October 2000 these two elements had developed highly distinctive personalities in the form of the majority coalition administration on the one hand, and the independent Office of the Presiding Officer on the other. As the First Minister Rhodri Morgan himself put it, in his submission to the Assembly's long-running review of its procedures that took place between January 2001 and February 2002:

It is now becoming a commonplace belief that the Assembly's status as a corporate body is something of a handicap. It is therefore widely accepted that we should use all the scope available to make a distinction between the governmental and parliamentary side of the corporate body. (Morgan, 2001)

The main force driving the split in the first period of the Assembly's life was the Presiding Officer, Lord Elis-Thomas (for a full account see Osmond, 2001b). He ran a determined campaign to achieve a parliamentary-style independence for his office, and this was eventually implemented through the coalition partnership agreement between Labour and the Liberal Democrats in October 2001. This contained a commitment to "... secure the independence of the Office of the Presiding Officer and the civil servants that work there" (Labour Party and Liberal Democrats, 2000) and marked a decisive move away from the Assembly's status as a corporate body. It put in place a defining characteristic of a parliamentary institution, since the Presiding Officer's independence is necessary if a clear separation of powers between the executive and legislature is to apply. A Committee made up of officials

from the Office of the Presiding Officer and the Cabinet Office—representing what has emerged ever more clearly as two distinctive civil service components within the Assembly—worked through the changes. Within weeks of the agreement being signed the Assembly overwhelmingly approved a new standing order establishing:

- A separate budget for the office (£24.3m for 2001-02) out of which is paid members' and officials' pay and allowances.
- The Clerk to the Assembly, the office's chief official, becomes an accounting officer in addition to the permanent secretary.
- A new house committee to oversee the office, chaired by the Presiding Officer with representatives from all parties in the chamber.

These changes marked a highly significant development in the Assembly's evolving constitution. In so far as it could change its own procedures without achieving an amendment to the 1998 Government of Wales Act, it did so. *De facto*, though not *de jure*, the independence of the Office of the Presiding Officer was ensured. In turn this cleared a path towards achieving a separation of powers between the executive and the legislature and the creation of body more parliamentary than corporate in character.¹

In the ensuing period this process was to be driven further by the administration. Part of the motivation was a widespread anxiety that its decisions and actions were being interpreted by the media as coming from the Assembly as a whole. Both government and opposition in the Assembly shared an interest in avoiding such confusion. The issue was symbolised by a struggle to find an acceptable form of words to denote the administrative or executive side of the Assembly. In the letter quoted above Rhodri Morgan addressed this directly:

As regards the terminology, the Cabinet's preference is for "Government of the Assembly" and that term will be used increasingly in press and other statements which record its decisions. I have no objection to the use of other terms such as the Administration, the Executive or the Cabinet. The only one now used, which I think confusing is the "Government of Wales". Although I have used it myself from time to time, I believe it allows no recognition of the UK Government qua its functions in Wales and its control of 50 per cent of public expenditure in Wales. (Morgan, 2001)

Later, and controversially, Rhodri Morgan was to change his mind and choose the formulation "Welsh Assembly Government" which, he insisted was "much simpler and shorter and is completely obvious and clear to the people of Wales."² After it

¹ The process was underlined a few months later when the Presiding Officer announced the appointment of Paul Silk, a clerk in the House of Commons, as the new Clerk to the Assembly in succession to John Lloyd, a former Welsh Office official.

² *Assembly Record*, 27 November. An internal Cabinet Office memorandum on the nomenclature, dated the same day, states: "The acronym WAG should not be used"; see Osmond, 2001a.

was pointed out that the acronym would be “WAG” the “Welsh” part of the title tended to be dropped.

The preoccupation with nomenclature was a surface manifestation of a deeper and much more profound shift in the political culture of Wales. This was the emergence by whatever name of a government determined to be the decisive hand in shaping the future of the country. In this connection emblems were again revealing. At the August 2001 National Eisteddfod in Denbigh the Administration unveiled another fresh logo: a map of Wales projecting the image of a hand, with a thumb extending from Pembrokeshire and four fingers from the northern coast. The tag line was *Llunio Cymru—Shaping Wales*.

This was not just a matter of signalling an intention. Already underway was a transformation in the relations between the Assembly Government and its executive agencies. Pre-devolution organisations such as the Welsh Development Agency, the Health Authorities, the Education Funding Councils, Arts Council and Wales Tourist Board led relatively autonomous lives. Apart from delivering annual reports and agreeing broad outline targets they were largely unmolested by the old Welsh Office, and only rarely interrogated by MPs at Westminster. All this has changed. Instead of one Secretary of State for Wales there are now nine Ministers and five Deputy Ministers who keep a constant watch on activities of the Assembly Sponsored Bodies, as the quangos have become known. They meet formally with the administration at least quarterly, and their activities are also reviewed by the subject committees. There is a sense that they are being corralled and disciplined, becoming more like state departments along Whitehall lines than free-standing, arms length organisations.

Developments in the administrative culture of the National Assembly have underpinned the creation of a stronger executive machine, capable of developing policy and pushing it through. In this respect changes to the Cabinet secretariat have had the biggest impact. The most significant occurred alongside the creation of the majority coalition government. Communications, research and evaluation, and policy functions, were added to the cabinet secretariat. As a result it now has roughly the same functions as the Scottish cabinet secretariat (Laffin, 2002).

EMERGENCE OF A *WELSH* CIVIL SOCIETY

The emergence of a strong central authority represents a profound innovation in Welsh political life. The notion of Wales having a civic culture is novel to a society with such little experience of its own institutions. Before the onset of the National Assembly it could be fairly said that there was a *civil society in Wales* rather than a *Welsh civil society*. This was simply because there was an under-developed civic infrastructure to which Welsh society could respond. We now see a civic culture beginning to develop and its clearest manifestation is the Assembly Government.

Political parties

The most immediate impact has been on the character and strategies of the political parties. Each has had to cope with different challenges. Democratic devolution has radically changed the character of Plaid Cymru. For the first time it has a relatively large and cohesive group of full-time, professional politicians within its ranks, the 17 elected members in the Assembly together with their support staff. These have altered the balance of forces within the party's traditional structure. At the same time the party's focus of attention has shifted decisively from Westminster to Cardiff Bay. For the first time in its history, too, the party has a sense that it could be a party of government. These changes have created new problems of communication and increased the potential for divisions between the leadership and the wider membership, not least over the party's objectives and how they are articulated.

As would be expected Plaid Cymru is further ahead of the other parties in developing its thinking around constitutional change. This is partly because Welsh autonomy is its *raison d'être*, but also because lack of clarity around its constitutional objectives became an issue during the first election campaign for the Assembly in 1999. In the run-up to the general election an internal debate generated by the new leadership under Leuan Wyn Jones sought to define more clearly the party's aims. As a first step the aim was to achieve parity with the Scottish Parliament, with full legislative powers and some tax varying powers. This, it said, would involve a reduction in Welsh MPs at Westminster and a corresponding increase in Assembly members in Cardiff. Developments beyond this stage would depend to a large extent on what happened elsewhere, in particular whether England began to evolve regional government and what progress was made with European integration and enlargement. (Plaid Cymru, 2000). The document painted two scenarios: a democratic, federal Europe of the regions with a greatly empowered European Parliament and a written constitution within which Wales could find a role; or, failing that, full national status for Wales as a member-state within a confederal European Union.

However, such options are sketched out only in broad conceptual terms with little detailed or tactical sense of what the party's preference would be, and how it might influence the course of events in that direction. In part this is because the document fails to confront an underlying internal debate that is taking place about what kind of party Plaid Cymru should be—one that regards itself as essentially a regionalist movement operating within a British/European framework, or one that might be regarded as a more conventional autonomist party seeking independence.

The onset of devolution has also had a profound impact on the Welsh Labour Party. In the first place it has changed its name to Welsh Labour, from Labour Party Wales (previously the Labour Party in Wales). This registered an important emblematic and tonal change. There is a recognition by all the parties, but especially Labour, that identifying with the national dimension can bring political rewards in post-devolution Wales. There is now a recognisable nationalist (with a small "n") wing within the Labour Group in the Assembly that is currently in the ascendant

under Rhodri Morgan's leadership. To a large extent this group is defining itself against the image and policy profile being developed by the New Labour Party at Westminster (Osmond, 2000).

The outcome of the devolution process for Welsh Liberal Democrats hangs almost entirely on the progress of the coalition. They will be judged on the extent to which they are seen to influence policy development in their direction, and also on the electoral consequences. Furthermore, its constitutional objective of achieving a federation within the UK creates an inherently weak position. Although Britain may be moving in a quasi-federal direction, given the nature of the British State devolution is always likely to be asymmetrical.

Paradoxically, in electoral terms the Conservatives have benefited most from devolution, achieving significant representation in the Assembly through the operation of the regional list system of proportional representation. There is also a determination on the part of the leadership to identify more with Welsh concerns, develop distinctive Welsh policies, and a more autonomous organisation for the party in Wales (Evans, 2002). The party's identity as an opposition party in the Assembly has also been strengthened by the formation of a majority coalition government. What all this may imply for the party's constitutional thinking has been speculated upon by a number of their new politicians. For example, David Melding, AM for South Wales Central, declared:

The party least sympathetic to devolution needs to become its most conspicuous supporter. I believe we have reached a stage where the British state can only survive with devolution. Commentators should not rule out, therefore, the possibility that the next and most vital advance for devolution in Wales will be instigated by the Conservative Party (Melding, 2001).

The new lobbyists

Another obvious expression of the emerging civil society has been the way a growing number of organisations are recasting their structures to reflect the new Welsh polity, and often appointing National Assembly liaison officers in the process. Cardiff is now rarely seen as a branch office for London-based organisations. Instead, organisations are progressively establishing more autonomous Welsh structures to more effectively interact with and influence National Assembly politicians. Examples range from the British Medical Association and the Country Landowners Association to the National Union of Teachers, the Confederation of British Industry, the Federation of Small Businesses, and the Royal Society for the Protection of Birds. By now more than 30 such organisations have appointed Assembly liaison officers. In addition the advent of the Assembly has seen the spawning of a growing number of Welsh-based political consultancies.

Legal institutions

A further expression of the new Welsh civil society is the growing development of distinctively Welsh legal institutions since the onset of democratic devolution. In the first instance the establishment of the Office of the Counsel General within the Na-

tional Assembly has had a significant effect upon the legal profession in Wales. There is now:

- A panel of counsel chosen from the Wales and Chester Circuit to represent the Assembly on public law matters
- A Welsh Personal Injury Association
- A Welsh Public Law Association
- A Wales Law Journal

There have been other institutional changes, including:

- Establishment of the administrative, chancery, and mercantile courts in Wales
- Regular sittings of the Court of Appeal civil and criminal divisions in Cardiff
- Hearings in Wales rather than in London—as was invariably the case before the establishment of the Assembly—of judicial review cases involving public bodies in Wales
- Appointment of a High Court judge whose fluency in Welsh enables him to conduct trials bilingually or entirely in Welsh, according to the wishes of the parties, without translation

Language

Alongside all of this the Assembly is making bilingual legislation. That is to say, it is making legislation bilingually rather than first making it in English and then translating it into Welsh. This is a reflection of the equal status accorded both languages, with far reaching consequences for the administration of justice and the legal profession in Wales.

These developments are particularly important since they underline the civic character of the devolution process. As the Counsel General put it:

It would not be correct historically to say that we are seeing the creation of Legal Wales but it is undoubtedly the case that since the National Assembly for Wales was established we are seeing the reawakening of it after centuries of slumber ... The administration of justice in Wales is closer to the people now than at any time during the 19th and 20th Centuries (Roddick, 2002).

PRESSURE FOR MORE POWERS

During the Autumn of 2001 in-depth interviews were conducted with a wide cross-section of Assembly members and a broad range of outside representative organisations on attitudes to the Welsh devolution settlement. Most of the AMs described their powers as opaque, with one stating:

I do not know what the powers are that we have. When Westminster passes a new Act it may repeal previous Acts. If these contained devolved powers, then they vanish, unless they are re-enacted in a subsequent Act. Not many people would know exactly what the powers are.

Table 1. NOP Poll for BBC Wales June 2001

	Recalled 1997 vote (%)				
	All	Lab	Con	Lib Dem	Plaid
Wales should become independent	8	7	11	-	12
Wales should have its own elected Parliament like Scotland with law- making and taxation powers	44	42	14	47	66
Wales should continue to have an Assembly with limited law-making Powers	24	29	31	13	14
Wales should have no elected Assembly or Parliament	18	17	43	32	7
Don't Know/No answer	5	5	-	7	1

The authors of the survey concluded that a majority of AMs favoured moving to a far more transparent system based on full legislative and tax-varying powers (Cole and Storer, 2002). Opinion polls also suggest that a majority now favour Wales moving to achieve law-making powers on a par with the Scottish Parliament, as Table 1 indicates.

What is also significant about these findings is the relatively small proportion, 18% that would wish to return to the pre-devolution position. Before the 1997 referendum polls regularly recorded a response rate of around 40 per cent to this option, which was then described as the “status quo”.

During 2001, when the Assembly carried out a year-long review of its procedures, attention quickly focused on two related issues that directly impinged on its wider competence: its role in the legislative process and its relationship with Westminster and Whitehall (Osmond, 2002a). The process exposed the fault lines in the 1998 Wales Act that established the National Assembly. In essence these centre on the difficulties thrown up by its having to lobby Westminster to meet its requirements on primary legislation.

It was noteworthy, for example, that in the 2001-02 Westminster session, the Assembly Administration pressed for four separate bills relating to Wales to be included in the Queen’s speech. None of them succeeded. In the face of this, the review’s final report contained no serious proposals on how the rapidly emerging incompatibility between the Assembly’s needs and the often opposing priorities of the Westminster legislative process could be addressed.

At the same time it was clear from the start that the review would do little more than clear the ground for a more far-reaching examination of the Assembly’s powers, to be undertaken by an independent commission. This was to be established in the first half of 2002 under the terms of the coalition agreement between Labour and

the Liberal Democrats. It would report in the second half of 2003, once the second Assembly general election in May that year was safely out of the way.³

WALES'S IMPACT ON THE ARCHIPELAGO'S TERRITORIAL POLITICS

So far as the future of territorial politics within the British Isles is concerned the Welsh devolution experience may be more relevant than that of Scotland. What, in fact, is the character of the territorial politics that are emerging within the archipelago? Are we witnessing a mere readjustment, leaving British and Irish Republic sovereignty relatively intact? Or are we in the throes of a more far-reaching process in which nation-state sovereignty is becoming more diffuse within an integrating European Union? The Welsh experience may be more relevant since Wales is more typical of regional tiers of governance that are emerging elsewhere in the European Union. That is to say, in Wales the devolution experience is a more conventional process of building civic institutions. As stated at the outset, while much of Scotland's civic infrastructure remained intact following the 1707 Parliamentary union, Wales is having to build its own structures from scratch.

The Welsh devolution model is also seen by some as more applicable to the English regions. It has been remarkable that so far devolution has occurred without any involvement of the English dimension, one that after all embraces some 85 per cent of the population. As the Labour MP Tony Wright has put it: "The English have been the silent and uninvited guests at the devolutionary feast ... A striking feature of the devolution legislation has been its total neglect of the Union (and English) dimension" (Wright, 2000).

There is now a possibility that some of the English regions may at last join in. A White Paper setting out the British Government's position was published in May 2002. This allows for regional assemblies to be established, subject to referendums. However, it is unlikely that Wales will provide many signposts. This is simply because, while Wales has often been a hesitant follower of Scotland in the devolution process, it has done so because of a wish to attach a civic expression to its nationhood. The experience so far has reinforced that ambition. Yet nation building of this kind is simply not available to English regional aspirations. Some form of devolution is likely to occur in at least some of the English regions, with the north-east widely identified as a front runner. Yet the kind of institutions that seem most likely to emerge may be more akin to a top tier of local government than competitors with central government in Whitehall. In this context it is noteworthy that where a region already has a two-tier local government structure—counties and districts—the White Paper requires that one of them, most probably the counties, should be abolished before a regional tier can be established.

³ In May 2002 First Minister Rhodri Morgan announced that the Labour peer Lord Richard would chair the Commission. For an account see Osmond, 2002b.

Furthermore, however strongly assertive, and leaving Cornwall to one side, the English regions remain part of a wider nation. There could, of course be a development of more distinctive regional political identities within England, along the lines that occurred in some of the German Länder following the formation of the federal constitution in the wake of World War II. Yet it must be remembered that that occurred precisely in the context of an elaborate process of constitutional federalism, complete with strong central institutions—notably the federal Upper House, the Bundesrat—and a clear division of competencies. The likelihood of this being followed within England would go against the grain of English political culture. If this were not so, then for instance the present debate over the future of the House of Lords would have followed a completely different path. Its transformation into a federal Upper Chamber representing the nations and regions of Britain would have been seriously contemplated. As it is that prospect has not been on the agenda.

So far as Wales itself is concerned the European dimension may prove as influential as the English. One indication has been the initiative of First Minister Rhodri Morgan in forging links with a potentially influential network of European Regions that are seeking more influence within the institutions of the EU. These Regions define themselves as “Constitutional” in the sense that they possess legislative powers. The origins of the network can be traced to September 2000 when a number of Regional leaders, including Rhodri Morgan, met in Brussels to discuss ways of influencing the forthcoming Intergovernmental Conference at Nice that December. The other regions represented were Catalunya, Bavaria, North Rhine Westphalia, Salzburg, Wallonia, and Flanders.

At the end of May 2001 what became known as the Flanders Declaration was published. This pressed that “the role and setting of the regions in the European policy-making process and the institutional framework” be added to the themes to be debated at the 2004 inter-governmental conference on the EU’s constitution. In November 2001 a wider group of regions held a further conference in Liège, Belgium, where a great deal of frustration was expressed at their lack of influence within the European Union. For instance, Wolfgang Clement, Minister-President of North Rhein Westphalia, pointed out that with a population of 18 million his region was the sixth largest economy in the European Union—yet it had less institutional power in Brussels than Luxembourg. In May 2002 First Minister Rhodri Morgan pronounced a “first for Welsh diplomacy in Europe” when he joined with nine other Regional Governments in promoting another declaration, this time in response to the Commission white paper on European governance. The declaration called for more involvement of the European regions in European policy formulation, with the European Commission consulting directly with regional governments rather than via member state governments. The move was as much declaratory and symbolic as indicative of real political pressure being mounted on behalf of the regions. Nevertheless, it was a further indication of the First Minister’s enthusiasm for promoting Welsh aspirations on as wide a stage as possible.

Welsh involvement in this European debate is important because the First Minister has drawn attention to a connection between the 2004 Inter-governmental confer-

ence and the unfolding debate in Wales over the Assembly's powers. Thus, at one point he stated that the timing of the 2004 conference:

... could not be better, considering that the Partnership Agreement document plans a review of the Assembly's powers, which will report back to the Assembly after the next Assembly elections in May 2003. This will be just in time for the 2004 Inter-governmental conference on the respective roles of the Regional, Nation State and European tiers of government (*Assembly Record*, 19 December 2000).

What Rhodri Morgan appears to have in mind is that separate arguments made at the Welsh and European Union levels will reinforce one another in helping persuade a Westminster government to give ground on extending primary legislative powers to the National Assembly in the wake of the next British General Election in 2005-06.

REFERENCES

- Cole, Alistair and Alan Storer (2002) "Political dynamics in the Assembly", in J Barry Jones and John Osmond, eds, *Building a civic culture: institutional change, policy development and political dynamics in the National Assembly for Wales*. Cardiff: Institute of Welsh Affairs
- Elis-Thomas, Lord (2000a) *The National Assembly: A year in Power?* Address to the Institute of Welsh Politics, University of Wales, Aberystwyth, 8 July
- Elis-Thomas, Lord (2000b) *Wales—A New Constitution?* Address to the Welsh Governance Centre, 2 March
- Evans, Jonathan WEP (2002) "The future of Welsh conservatism", *The Gregynog papers* 3 (2)
- Labour Party and Liberal Democrats (2000) *Putting Wales first: a partnership for the people of Wales. The first partnership agreement of the National Assembly of Wales*. Cardiff: Labour Party and Liberal Democrats
- Laffin, Martin (2002) "The engine room: the civil service and the National Assembly" in J Barry Jones and John Osmond, eds, *Building a civic culture: institutional change, policy development and political dynamics in the National Assembly for Wales*. Cardiff: Institute of Welsh Affairs
- Melding, David AM (2001) "Conservatives should finish the job", *Agenda*, Institute of Welsh Affairs, Autumn
- Morgan, Rhodri (2001) "Letter to the Presiding Officer" (5 July), in Institute for Welsh Affairs, quarterly report, *A period of de-stabilisation: monitoring the National Assembly May to August 2001*. Cardiff: Institute of Welsh Affairs
- Osmond, John (2000) "A constitutional convention by other means: the first year of the National Assembly for Wales", in Robert Hazell, ed., *The state and the nations: the first year of devolution in the United Kingdom*. London: Constitution Unit, University College London / Imprint Academic

- Osmond, John, ed. (2001a) *Coalition creaks over health: monitoring the National Assembly September to December 2001*. Cardiff: Institute of Welsh Affairs
- Osmond, John (2001b) "In search of stability: coalition politics in the second year of the National Assembly", pp. 26-31 in Alan Trench (ed.), *The state of the nations 2001: the second year of devolution in the United Kingdom*. London: Constitution Unit, University College London / Imprint Academic
- Osmond, John (2002a) "Constitution building on the hoof: the Assembly's procedural review" in J Barry Jones and John Osmond, eds, *Building a civic culture: institutional change, policy development and political dynamics in the National Assembly for Wales*. Cardiff: Institute of Welsh Affairs
- Osmond, John, ed. (2002b) *Engaging with Europe: monitoring the National Assembly for Wales: March to June 2002*. Cardiff: Institute of Welsh Affairs
- Plaid Cymru (2000) *Towards full national status: stages on the journey*. Cardiff: Plaid Cymru
- Roddick, Winston (1999) *Crossing the road*. Ynys Mon: Law Society lecture, National Eisteddfod.
- Roddick, Winston (2002) "Creating legal Wales", in *Agenda*, Institute of Welsh Affairs (Spring)
- Wright, Tony (2000) "England, whose England?", in *The English question*. London: Fabian Society

