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Devolution and Participation in Wales: Ron Davies and the Cultivation of Inclusiveness

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Abstract

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Inclusiveness has become a familiar term in the language of devolved politics in Wales. It refers to those changes accompanying devolution which are meant to increase participation from a low base and in adverse circumstances. In order to work out how successful these changes have been it is first necessary to identify and define them. In order to do this we returned to the source of most of these ideas and innovations, Ron Davies, in order to investigate the political realities and contingencies that gave birth to the term and the way its meaning has subsequently been extended and elaborated to cover all sorts of participation that it was hoped might come about with devolution. Davies identified six arenas where inclusiveness could be into practice in the devolution process: in the civil service bureaucracy, in consultation procedures, in the political parties, in information systems and the debating chamber of the National Assembly, and in the structure of the devolved institutions themselves. Davies also instituted the National Assembly Advisory Group which in Wales substituted for the constitutional convention Scotland enjoyed. The group was deeply symbolic of inclusiveness, and considered essential to devolution, but in order for its symbolism to have maximum effect there could be very little real debate and no real participation. The story of this group exemplifies the problems of increasing participation from a low base in adverse circumstances. It suggests that the result of the strategies of inclusiveness deployed in Wales might be neo-corporatism rather than increased participation.

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Introduction

The idea of inclusiveness has featured at the heart of each successive stage of devolution in Wales - the referendum campaign, the White Paper, the National Assembly Advisory Group, the Government of Wales Act (Great Britain, 1998:15, section 3.1) - and in the pronouncements of many of the politicians who have been associated with devolution in Wales (in speeches by Tony Blair, Ron Davies, Alun Michael, Paul Murphy and Rhodri Morgan as well as in pamphlets by Davies, 1999 and Peter Hain, 1999). Inclusiveness means increasing participation amongst people who have had a very low record of political participation in the past. Moreover inclusiveness describes the idea of increasing participation in a context - limited devolution to Wales - which it had always been assumed would be likely to generate little enthusiasm for participation. In a time of general apathy towards politics it was always feared there would be little demand for yet another opportunity to participate, especially when voters might suspect the devolved chamber was going to be even more of a 'talking shop' than Parliament. There are also some aspects of inclusiveness which originate in the mundane realities of party politics in the pre-devolutionary period.

The foremost amongst these realities was the need for cross-party support for constitutional change and in a referendum campaign to win the electorate's support for devolution¹, the need for an informal coalition in the National Assembly for Wales after the voters failed to give any party a clear majority in the first elections², and the need for joint action to clarify the powers of the Assembly vis-à-vis Westminster which gave rise to the all-party review chaired by the Presiding Officer. These aspects of inclusiveness cannot really be considered strategic, except in the sense that their ultimate aim was either to bring about devolution or make devolved government a success. Inclusiveness was also affected by contingencies which lay beyond party politics such as the influence of the editor of the *Daily Post* on the creation of the first of the regional committees of the Assembly (Wyn Jones and Trystan, 2000). For the greater part of this paper we will put all of these contingencies and political realities to one side in order to concentrate on that part of inclusiveness which we believe has been planned and managed in order to achieve the strategic aim of increasing participation in unpromising circumstances.

Our future publications will report on the success or failure of this experiment during the Assembly's first term, but we cannot begin evaluation without a clear idea of the aims of inclusiveness. We need to know in what ways inclusiveness has been operationalised in order to judge whether this strategy has had any effect on participation. Very simply, the aim of this paper is to delineate the different attempts to put inclusiveness into practice so that assessment of the success of this strategy can begin. This is not, however, always a simple task because inclusiveness has proved an attractive concept to politicians of all parties (and others) and the term has been put to a great deal of rhetorical use. Indeed it is used frequently in all sorts of political contexts across the UK, but it is the opportunity afforded by constitutional reform and devolution that has linked the idea of inclusiveness to innovations in governance. It has shaped the standing orders of the devolved institutions in both Scotland and Northern Ireland³, but in Wales the term has developed a unique set of meanings and

has had the greatest impact on the process of establishing a devolved system of governance.

Our task in this paper is to identify the concrete attempts which have been made to put inclusiveness into practice in the context of Welsh devolution. To this end we are aided by our ongoing programme of interviews with politicians, civil servants and the representatives of civil society in Wales.⁴ Future papers will draw more heavily on interviews with the officers of the organisations of civil society which are participating, in some way, in the process of governing Wales and on our close observation of the work of the Assembly. The present paper draws more heavily on interviews with politicians and especially with Ron Davies who (as a member of Labour's shadow cabinet, as Secretary of State for Wales, and as Labour leader in Wales and First Secretary designate) had greater responsibility than anyone else for bringing about devolution in Wales and for bringing the idea of inclusiveness into the political domain.

The Origins of Inclusiveness

Before we look at the way inclusiveness has been operationalised we should firstly explain why it is this term, rather than any of the others with which it is combined in rhetorical use by Ron Davies and other politicians (terms like open, consensual, transparent, accessible, democratic, accountable, pluralist, fair and just, and indeed participative), that became so central to Welsh devolution. According to Davies the explanation lies in some of the contingencies which were mentioned in the *Introduction*. It was Davies, as shadow Secretary of State for Wales, who was given responsibility for handling Labour's devolution plans for Wales. He knew from the beginning that some form of proportional representation was needed to get the support of Plaid Cymru and the Liberal Democrats for devolution (Morgan and Mungham, 2000:104-7). Their co-operation was required because constitutional change had to be legitimated by cross-party support and because of the necessity of building a united front to win a referendum (if one were needed). While planning for devolution while Labour was in opposition in the mid-1990s it would have been politically unacceptable inside the Wales Labour Party to discuss such things openly so a euphemistic term which would allow him to allude to PR in an indirect way had to be found.⁵ The term was inclusiveness:

... at the time, that inclusiveness meant something quite different to what it's come to mean and it was code word for a political system which did more that genuflect to the other political parties. It was a code word for some element of proportionality in the electoral system. (Davies, interview with authors, 4 November 1999. This is the source of all quotations from Davies unless another source is cited)

Labour subsequently adopted a form of PR for Wales (under the d'Hondt formula) and, because the outcome of the first Assembly elections were determined by a PR system, the Labour Party did not win an outright majority and was forced to share power in a *de facto* coalition with Plaid Cymru.

By the time of the first Assembly elections inclusiveness, the euphemism for PR, had acquired some additional meanings but much of this subsequent elaboration can also be traced back to Davies and a small group within the Labour Party. Indeed some of this elaboration took the form of practical experiments in governance when

Davies took over the Welsh Office after the Labour victory in the 1997 General Election. Inclusiveness continued to mean working with other parties - although this aspect of inclusiveness developed to mean rather more than agreement to PR and co-operation during referendum campaign⁶ - but it also came to refer to some other, rather different things as well:

In the very early days it meant a political system which would lead to pluralism. Now that's the starting point. It isn't a big step then to say if you have a political system which leads to pluralism that you actually empower a whole range of other people. That's a consequence of the politics, but the motivation was political change, and I knew that that would then open-up access to power and influence to all these other people through pluralistic and open politics.

Thus, by the time he wrote his essay, *Devolution: a Process not an Event*, Davies defined inclusiveness as a willingness to 'share ideas, talk to others, to include those with common objectives in the pursuit and exercise of power', where 'others' could be defined by 'ethnicity, language, politics, religion or whatever'. Moreover, inclusiveness had now become the 'essential foundation stone' of the whole devolution project in Wales (Davies, 1999:7).

We will shortly consider the ways in which the goal of inclusiveness was pursued but first the question naturally arises of what all this had to do with the politics of New Labour and particularly the ideas associated with Tony Blair and the Third Way. According to Morgan and Mungham (2000:100) Davies made devolution based on inclusiveness (meaning simply PR) one of the conditions of supporting Blair's bid for the leadership in 1994 after John Smith's death. Moreover, Davies told us that Blair first used the term - at Davies's suggestion - when mentioning Welsh devolution in his speech to the Wales Labour Party annual conference in Swansea in May 1996:

a Welsh Assembly and a Scottish Parliament are good for Britain and good for Wales and Scotland. It will mean making people's vote count. It will bring government closer to the people, make our politics more *inclusive* and put power in the hands of the people where it belongs. (Blair, 1996:9, emphasis added).

This certainly implies that up to this point the politics of New Labour had been able to develop without benefit of the concept Davies had brought to Welsh devolution but surely 'inclusion' is one of the central concepts of New Labour? Blair had already begun to make great use of the term 'inclusion' (and sometimes 'inclusive') but meant something rather different by it. In her analysis of New Labour's discourse of social exclusion and integration, Levitas (1998), states that 'the age of inclusion has arrived' (Levitas, 1998:3). Here though, the New Labour speak is of 'social inclusion'⁷, or of the imperatives of dealing with the antonym, 'social *exclusion*'⁸.

In his survey of the core concepts of New Labour, Fairclough (2000) explains this development in Labour's position:

'the long-standing Labour Party objective of greater equality has been displaced ... by focusing upon those who are excluded from society and ways of including them, it shifts away from inequalities and conflicts of interests amongst those who are included, and presupposes that there is nothing inherently wrong with

contemporary society as long as it is made more inclusive through government policies' (Fairclough, 2000:65).

On the other hand, Room (1995) points to the way that the adoption of the discourse of social ex/inclusion is part of a process that links British analysis with established continental European (in particular French) debates on marginalisation. The former traditionally adopted a market-based view of resource allocation, whereas the latter is a more holistic view centring on detachment from the moral order of society. This offers a more dynamic conceptualisation of the problem, one that focuses on 'the marginalised and excluded and to the potential instruments of their exclusion ... [and] the external creation and control of need' (Townsend, 1997). In any event this is evidently not the 'inclusiveness' that we are concerned with here.

Day and Thompson (1999) know there is more to inclusiveness in the Welsh context than social inclusion but they nevertheless make a case for 'convergence' between the way Blairism privileges community and some of the rhetoric of Welsh devolution politics. They think that the Third Way is at least in part a matter of getting rid of big government in order to foster the *growth* of social capital and release civic energies otherwise *suppressed*. This might, at a stretch, fit the Welsh case and be a more plausible way of arguing that inclusiveness and the Third Way are both about increasing participation but it might just also be a matter of *post hoc* rationalisation. According to Davies, in the early days

the push for devolution, was not part of any of that, it was quite distinct, it was more focussed, and it was about the front between, small 's', socialism, and, small 'n', nationalism.

On the other hand, Davies was able to take advantage of a superficial overlap between the rhetoric of New Labour and his own political aims for Wales. In a sense the Third Way made it easier for the Wales Labour Party to accept inclusiveness because it changed the rules about what could be thought and said in the Party. In 1993 Davies was very much in a minority in being both pro-devolution and thinking devolution could only be won by adopting an inclusive approach. By 1995 he was starting to persuade people of both and it is clear that he was helped in this cause by the coincidental spread of the influence of Blairite ideas (such as the notion that Party did not have a 'monopoly of wisdom') in the Labour Party which made his ideas sound less heretical:

if I'd made the speeches I was making in 1995 in 1993, the Labour Party would have been split. Talk about not having the monopoly of wisdom would have been the nearest thing to heresy in 1993. But that was part of the coded language you know: we're going to work with other people, we don't have a monopoly of wisdom, there are other people we have got to work with, we have got too exclusive, we have got to incorporate North and South, East and West, Welsh Speakers and English Speakers. By 1995, I guess, it was OK to use that language. I mean [it was] almost part of the accepted wisdom, if you were really 'right on' you could use 'we've got to create an inclusive Wales'.

But Davies finds the idea that Blairism paved the way for his ideas of inclusiveness is 'supremely ironic' because Blair was not committed to devolution at all.⁹ It was never part of 'the project' (Davies, 1999:6), meaning

devolution for Wales had not been subjected to detailed scrutiny in Labour's Policy Review, with the clear implication that Blair was either 'lukewarm' about it or even not in favour of the *policy*. (Morgan and Mungham 2000:111, emphasis in original).

This makes it rather unlikely that inclusive politics and governance in Wales are a (rare - Jacobs, 1999) case where we can point to some examples of the Third Way being put into practice. On the other hand, where there have been attempts to put the Third Way into practice in Whitehall they recall some of the innovations already put in place in the course of Welsh devolution.

The term inclusiveness appears in the Labour government's White Paper *Modernising Government* of March 1999¹⁰ but it is only in a document published by the Cabinet Office six months later that the term is defined:

The concept of inclusiveness as outlined in the White paper is concerned with ensuring that policy makers take as full account as possible of the impact the policy will have on different groups – families, businesses, ethnic minorities, older people, the disabled, women – who are affected by the policy. As well as being a mechanism for ensuring fairness, it also gives policy makers the opportunity to maximise their understanding of how the policy will work on the ground and to see its operation from the point of view of the user, thus reducing the likelihood of unintended consequences. The principal way of achieving these objectives is by involving a wide range of interested parties – such as those that will be affected -, service deliverers/implementers, academics and voluntary organisations – in the policy process. Considering the effect of these policies on different groups is done formally through impact assessment techniques. (Cabinet Office, 1999a, Chapter 8, 'Inclusiveness', paragraph 8.1, unpaginated).

It will soon become clear that this definition of inclusiveness has much in common with the inclusiveness at the heart of Welsh devolution although its focus is altogether narrower (note the concentration on *policy*). Moreover, the talk of 'impact assessments' assigns a very passive role to the 'minority groups' that it refers to.

There are also some important differences in the starting assumptions of inclusiveness (in Wales) and the Third Way. Although both have something to do with participation, inclusiveness is concerned with finding ways to increase participation in circumstances where people have never participated in the past and where there seems to be general apathy, even hostility towards participating. In the Third Way there is assumed to be a growing demand for participation, or at worst that there is a suppressed demand which will flower if only the obstacle of big government is removed. In his Fabian pamphlet, *The Third Way*, Blair explained that

The demand for more democratic self-governance is fed by better educated citizens and the free-flow of information provided by new technology and the media. We must meet this demand by devolving power and making government more open and responsive. Devolution and local governance are not just important in themselves: open, vibrant, diverse democratic debate is a laboratory for ideas about how we should meet social needs. We must equip government with new capacity and skills. We want to revitalise the ethic of public service. (Blair, 1998, p. 17)

Here the demand for more participation, including participation in devolved government, is assumed to come from the 'more sophisticated citizens' of the type described by Paul Hirst in his theory of associative democracy. These are people who are no longer satisfied with occasionally marking a ballot paper and their thirst for involvement will only be met by the reforms Hirst adapted from associationism (1994:2). This is definitely not a description that could be applied to Wales where only a quarter of the electorate voted for devolution. Along with the other evidence of lack of confidence and maturity in the Welsh electorate and civil society, such a low level of enthusiasm for 'deepened democracy' (Blair *op. cit.*) makes the assumption that devolution is simply meeting a demand highly problematic (Wyn Jones and Trystan, 2000). In fact the Labour Party had no idea what demand for an Assembly there really was when they launched the Referendum campaign (Morgan and Mungham, 2000:107; also see Andrews, 1999).¹¹

The Context of Welsh Devolution

The context into which this rather elastic idea of inclusiveness was introduced was distinguished by a cluster of reinforcing factors which discouraged popular participation in politics. According to one reading of Welsh history, this characteristic of Welsh politics had only been acquired comparatively recently and it was this history that prompted Peter Hain, when a minister at the Welsh Office, to float the idea of a Welsh Third Way. Perhaps this was only more of the subterfuge thought necessary to lodge inclusiveness in the hearts of minds of the Wales Labour Party but Hain's pamphlet *A Welsh Third Way?* painted a selective and romanticised picture of Wales's political past. This allowed Hain to claim that 'anchoring the Third Way debate firmly to libertarian socialist foundations informed by the Welsh experience can give it greater ideological clarity and direction' (Hain, 1999:4).

In effect Hain argued that Wales had always has a sophisticated demand for deeper and deeper democracy, open debate and so on, but you must dig deep in Welsh history to find any evidence of this.¹² One of the historians who has written authoritatively on this subject is Hywel Francis who became special adviser to the Secretary of State for Wales and wrote his own pamphlet portraying devolution as an opportunity to *revive* civil society in Wales (Francis, 1999). Francis makes a quite different set of starting assumptions, and draws a completely different set of conclusions, when thinking about active citizenship in the context of Welsh devolution to those that might make sense within the Third Way. Francis sees a revival of interest in lifelong learning and its relationship to building social capital (just as in the presumed vibrant civic life of an earlier age) as crucial to this *revitalisation* of political culture in Wales. This version of active citizenship is very specifically concerned with rebuilding the sort of historical social capital that has been described Francis and other historians like Dai Smith.

The important features of the real, rather than romanticised, Welsh political context in the immediate pre-devolution period are very different to the characteristics of Welsh politics as described by Peter Hain. They are summarised by Morgan and Mungham (2000) as:

- A culture distinguished by general intolerance of debate which discouraged participation and deliberation

- Within the Wales Labour Party this culture found expression in politicians who told voters what was good for them and that they should leave the decisions to the people who knew best
- The Wales Labour Party drew its membership and its leaders and representatives from a narrow section of Welsh society
- The dominance of the Labour Party in Wales meant there was little point in participating in politics if you did not agree with their aims, for example if you were a supporter of another party
- The Welsh electorate was not simply politically unsophisticated but untrained, and chronically unconfident of its own judgement
- Civil associations were sparse and immature
- Wales lacked of an informative media (compare to Tony Blair on the 'free flow of information' quoted above)
- The heritage of a major defeat for the whole of idea of devolution in 1979 (when the first devolution referendum took place) when opposition to devolution in the Wales Labour Party was vocal and decisive.

Within this context inclusiveness can be understood as a clever way of projecting a positive image of devolution in very trying (and potentially overwhelming) circumstances. As Davies explains, devolution had to be accompanied by a change in political culture:

First of all there was the historic fear, and there was a contemporary wish to re-create, old Labour-style institutions. I say a fear because people who voted against it in 1979, voted against it at least in part because it did not want to see a National Assembly for Wales run as an old Labour council. And equally there were some people who were pro-devolution, who still are, some of them are in [the Assembly] who wanted to see devolution because it meant that you could restore Labour control. You could run it as the Tories had run Wales. So we had to change that political culture, and gradually we did change the political culture. People who were more committed to the ideals of devolution realised that it had to be accompanied by this ideal of inclusiveness. We had to embrace people rather than exclude people.

Morgan and Mungham produce a persuasive account of the effect of Labour Party hegemony on Welsh political culture but pay rather less attention to the long-standing tradition of divisions and exclusivity in Welsh culture and society (Smith, 1984; Williams, 1985). For example, they neglect to mention that from the 1970s the exclusive Labourism of the South was being mirrored by the exclusive nationalism of the North. Both kinds of politics defined who was allowed to take part, and who could speak for the locality and the nation, very narrowly and exhibited little tolerance of dissent or appreciation of the importance of debate (Borland, Fevre and Denney, 1992). The exclusivity of nationalist politics also produced a generalised suspicion of the motives of nationalists, and therefore of the politics of devolution, especially in the South and especially amongst the large numbers of non-Welsh born voters in Wales. This section of the population, together with others in the more Anglicised parts of Wales, had been seen by Davies as one potent source of opposition. Davies expected both apathy towards the limited devolution that was on offer and hostility, especially amongst the large English-born minority, towards any further extension of the powers of the Assembly along the lines of those to be enjoyed by the Scottish Parliament (Wyn Jones and Trystan, 1999).

To counter this tendency to fissiparousness, Davies and others proposed inclusiveness at the level of national identity and citizenship. In many respects this development recalled efforts made by Dafydd Elis Thomas (as the leader of Plaid Cymru) in the 1980s to define an inclusive citizenship as part of civic nationalism (Borland, Fevre and Denney, 1992). Inclusiveness was 'a necessary counterpoint to a strong sense of national identity and pride' (Davies, 1999:7) but there was more to this than including Welsh speakers and English speakers. He was interested in raising fundamental questions about

How you create the idea of Wales and Welsh identity, and how for me you overcome the problems of 30 per cent of people in Wales born from outside, 30 per cent have their [TV] transmitters from England¹³, the North/South divide, the legacy of 1979, the divisions within the Labour Party, problems of local government and the National Assembly. It was part of all of that. That was my agenda.

Others joined Davies in the construction of a new identity and in *A Welsh Third Way?* Peter Hain argued for a 'new common Welsh citizenship based upon social justice, inclusiveness, radicalism, internationalism...' (Hain, 1999:24). A little later, Secretary of State Paul Murphy referred to a 'new sense of citizenship'

where the Bangladeshi community in Swansea and the Somali community in Cardiff have the same stake in our new democratic Wales as it has for me, the great grandson of Irish immigrants, Julia and Jeremiah Murphy from Cork, who crossed the Irish sea 130 years ago, looking for a better life in Wales. (Murphy, 1999).¹⁴

The explicit recognition that the participation of minority groups was one of the priorities of Welsh devolution had been part of the Llandrindod Democracy Declaration of the Parliament for Wales Campaign (circa October 1994) but the 'minority' groups traditionally excluded from the process of government in Wales were given greater and greater attention in the run-up to the referendum. Here was a chance to show sceptics and those hostile to the whole idea of devolution just how inclusive it was going to be. The symbolic message to those that might have voted 'no' in the referendum, and to those who were half-hearted about constitutional reform was that they had nothing to fear because the devolved system of governance would include *all*, starting with those most excluded in society. The referendum vote was of course an exceedingly narrow one and it would have been lost altogether if the voters in Anglicised Wales had been worried enough to come out and vote against rather than simply staying at home (Wyn Jones and Trystan, 1999).

The inclusion of minority groups is not simply a politically correct afterthought but is typical of the whole tenor of the notion of inclusiveness. Both symbolically and materially, the participation of minorities was at the heart of this strategy for increasing participation where the obstacles to doing so seem to be most severe. Thus, in accepting the recommendation from the National Assembly Advisory Group that the Assembly should have a standing committee on equal opportunities¹⁵ (see below), Davies announced

Not only do I accept the case for such a committee, I believe it should be chaired at the highest level by the Assembly's First Secretary. From the outset it has been my conviction that the Assembly should be open and inclusive. Inclusiveness

means giving active support to the those groups who feel alienated from the political process. That's why I believe an Equality Committee should have a high profile at the Assembly. (Welsh Office Press Release, 16 September 1998).

Of course Davies never became the Assembly's First Secretary and the man who did, Alun Michael, did not choose to chair this committee.

Putting Inclusiveness into Practice

We now move on from the early period in which the operationalisation of inclusiveness was conditioned by political contingency and opportunity to concentrate on the methods developed in order to pursue the strategy of increasing participation in adverse circumstances. The first of these methods were found during the eighteen months Ron Davies ran the Welsh Office prior to devolution when Davies worked with groups of people who had been very marginal to politics in Wales **'in a way that nobody's ever worked either before or since'**. Part of the strategy to make devolution a success was to practice inclusiveness in the Welsh Office **'in a whole range of ways, some of the symbolic, and others much more practical and meaningful'**.

In the Bureaucracy

The first arena in which Davies could practice inclusiveness was the civil service bureaucracy. There was a new desk officer for ethnic minorities and a new unit designed to ensure more women gained public appointments in the Welsh Office. There were quotas for the appointment of women to health trusts. All of these innovations met with initial resistance but they set in process changes which continue into the era of devolved government. The (part-time) desk officer for ethnic minorities eventually became the Equality Unit in the office of the National Assembly with the equivalent of 9.5 full-time posts by May 2000. The first Draft Annual Report of the Committee of Equality of Opportunity recorded the way in which the equality advisers (the CRE, EOC and Disability Wales) assessed the results of the *Equal Opportunity Baseline Survey* conducted amongst the civil service (also see the *Equality Audit*, National Assembly for Wales, 2000d and e). In future these and other organisations will be involved in setting performance indicators and measurement mechanisms for the civil service (and the external bodies for which they have responsibility) as part of the process of mainstreaming equality (the *Equality Audit*).

In Consultation Procedures

The second arena of inclusive governance concerned the idea of bringing more and more people from civil society into the Welsh Office for consultation. Again, there were material and symbolic gains to be made:

... we threw the doors open to groups that wanted to come in, um, groups like Cymdeithas yr Iaith [Gymraeg], groups such that Peter Hain was meeting, that Wyn Griffith was meeting, health action groups, and education action groups, those within local authorities, in business and trade unions. I mean it was an open door policy. There was nobody who applied or wanted to come to the Welsh Office who was refused. And that was a very very conscious decision. And what we were trying to do was to learn the lessons for now, I mean it was meant to be seamless ... to prepare the ground for now, and [we] also tried to send out messages that would be helpful in the

referendum – that, y’know, this was, a new way of doing things, which was good and productive and healthy and encouraging.

Clearly the political realities of the devolution process were always present but the open door, along with other innovations introduced at the Welsh Office was also an attempt to do something less tangible and much more ambitious:

you have to do it all the time, that’s why I say it’s about a culture, it’s not about a list – a checklist of thing that you can do, it’s about a culture, to say that our objective is to improve the quality of our democracy and if you have a problem, if you have an issue then you’ve got to devise, if you can, you got to devise an appropriate way of doing it, and that, that list of things in itself is ever-expanding.

Peter Hain, one of the three ministers in the Welsh Office at the time, confirmed this view in *A Welsh Third Way?*:

since May 1997 the Labour Welsh Office has pioneered a new, inclusive style of politics. Dogmatism has been abandoned in favour of promoting agreement, and building bridges with politicians from other Parties willing to move forward in a constructive manner. This partnership approach has also extended to local government, to business, the trade unions, voluntary groups and everyone else in Wales. Most new policy initiatives have been introduced only after widespread consultation - so much so that some organisations, under pressure from a veritable flood of Welsh Office initiatives, have complained ironically of ‘consultation fatigue’. (Hain, 1999:24-5)

Morgan and Mungham explain that the open door policy pioneered by Davies, Hain and Griffiths (and Rachel Lomax amongst the civil servants) put great pressure on the civil servants who were over-stretched by trying to keep up with all the new consultation exercises being launched (Morgan and Mungham, 2000:68).

Consultation was extended beyond the normal affairs of the Welsh Office to include the preparations being made for devolution and Davies told us that such consultation affected the content of both the devolution White Paper and the Bill that was shortly placed before Parliament. For example, we know (see p. above) that it was after consultation that Davies introduced the equal opportunities elements of inclusiveness into the draft legislation, but there were many other examples of a similar process which resulted in :

prescribing the way that the Assembly should work in a way that no other legislature anywhere else in the world has had those prescriptions. And they emerged from that time in May, June and July when we were trying to put into practice what we had been trying – well I had been trying - over the previous 12 months in terms of open access and talking to people. And so, talking to the environmental lobby led directly to – they were pushing at an open door as far as I was concerned – directly to a clause in the Bill ... which lays the duty of sustainability. It led directly to the other sections in the Bill, the electoral system for example, the commitment to openness the idea of standards, the idea of an equality agenda, all that directly reflected those conversations that we were having. They weren’t the sole precursors of that, but all of that reinforced what we were doing. A good example is the CBI, the

requirement on the Assembly in the Act to consult – directly as a result of Peter Hain’s contact with the CBI. And ... we actually broadened, in the House of Lords, the definition of ‘business’ to mean, for the first time ever, trade unions. We had the definition spelled out in the House of Lords, when we moved that amendment in the House of Lords.

Although the open-door policy of the Welsh Office under Davies did not continue into the Assembly under Alun Michael, and many routine consultation ‘procedures’ reverted to type (haphazard and attenuated), the provisions for consultation contained in the Government of Wales Act were put into practice. Thus Section 115 of the Act enjoined the Assembly to ‘carry out consultation with such organisations representative of business and such other organisations as it considers appropriate having regard to the impact of the exercise by the Assembly of its functions on the interest of business’. The Economic Development Committee of the Assembly addressed this duty by setting up the Business Partnership which is a broadly based, cross-party grouping comprised of AMs, representatives from the Wales T.U.C., the ‘social economy’, CBI Wales, the Institute of Directors, and the Federation of Small Businesses, Community Enterprise Wales, A.E.E.U., and the Wales Cooperative Centre.¹⁶ Other partnership arrangements now link local government, police, national park and fire authorities into the process of government. Similarly, the Draft Annual Report of the Committee of Equality of Opportunity (National Assembly for Wales, 2000) reported that the Assembly’s Equality Unit had ‘[I]iaised with internal and external groups to identify specific initiatives to take forward, particularly in the areas of Race, Disability and Gender; built on good relations with the Commission for Racial Equality, the Equal Opportunities Commission and Disability Wales/the Disability Rights Commission Wales’ (National Assembly for Wales, 2000). The directors of these organisations had been directly drawn into government as members of the Committee on Equality of Opportunity.

Less formal, but no less concrete, links have been established with other representative organisations, notably two new umbrella bodies: the All Wales Ethnic Minority Association (AWEMA - in effect the ‘black and ethnic forum’ - ‘a ready made mechanism for them to question, to monitor and to have an input into all that the Assembly did’ - Davies intended to establish if he had been First Secretary) and the Wales Women’s National Coalition. As an Assembly Cabinet Secretary noted, ‘the Assembly *commits itself* to working’ with the Coalition ‘to achieve the aspirations contained in their National Agenda for Action’¹⁷. The Assembly’s civil servants are exhorted to consult both the Coalition and AWEMA as well as Disability Wales (Committee on Equality of Opportunity, *Equality Audit*, April 13th 2000). This is the first step towards ensuring that there is ‘more ‘dialogue with different communities to ensure their views are taken into account in formulating policy and guidance’ (ibid.).

In the Political Parties

The White Paper that preceded the Government of Wales Act stated that

[in] representing all the people of Wales ... the Government attaches great importance to equal opportunities for all – including women, members of the ethnic minorities and disabled people. It believes that greater participation by women is essential to the health of our democracy. The government also urges all political parties offering candidates for election to the Assembly to have this in mind in their internal candidate selection processes (*ibid.*, 3.7, 24).

At the cost of provoking a great deal of bitter opposition inside its ranks, the Wales Labour Party honoured its commitment to adopt 'twinning', a formal candidate selection procedure that ensured gender balance amongst the candidates, in order to choose its candidates for the first Assembly elections (Roberts, 1998). This decision provoked furious recriminations in a number of local branches and demonstrations outside the Party's Welsh headquarters (Morgan and Mungham, 2000) The Campaign Against Twinning threatened legal action. It had the support of twenty Constituency Labour Parties, the TGWU and AEEU and most Welsh MPs. Plaid Cymru and the Welsh Liberal Democrats avoided such formal mechanisms but used positive action in placing women on winnable 'list' seats elected by proportional representation to the same end. However, all the main parties failed to field members of the Black and Asian communities, or disabled people, as candidates in winnable seats.

Paul Flynn's account of Labour's candidate selection procedure shows how PR, once the literal incarnation of inclusiveness, in fact worked against the selection of ethnic minority candidates to fight any seat they stood a chance of winning (Flynn, 1999). In the somewhat squalid leadership battle between Rhodri Morgan and Alun Michael that followed the resignation of Ron Davies ethnic minority (and women) candidates were muscled off the candidate lists for the regional PR seats. It was believed candidates for the Assembly would have considerable influence in the Labour Party's electoral college which would decide who won the leadership battle and prominent supporters of either Morgan or Michael seemed to be favoured in selection. Morgan himself topped the list of candidates on a list seat *and* was selected for the safe Cardiff West seat.

It had been explicitly stated in the White Paper (op cit. Great Britain, 1997, 3.7, 24), that the backgrounds of the candidates would promote an inclusive Assembly by reflecting the diversity of society as a whole. As Morgan (1999) has shown, the Wales Labour Party 'failed to select candidates from a wide range of professional backgrounds' (Morgan, 1999:12); fifty per cent were former local government councillors and none were from the private sector. Ultimately women comprised 42 per cent of all elected Assembly Members, claimed to be the second highest proportion in a governing body in Europe¹⁸, however taken as a whole, candidate selection was a retrograde process that caused some damage to the cause of inclusiveness.¹⁹

In the Structure of the Devolved Institutions of Governance

In July 1997, eleven weeks into the new government's term of office, Davies offered the House of Commons the vision of an Assembly 'based on principles of partnership, democracy and inclusiveness'²⁰. These were principles that were repeated in the White Paper on which the following Referendum campaign was to be fought:

the Government is committed to establishing a new, more inclusive and participative democracy in Britain. Its proposals for a Welsh Assembly reflect these aims. An Assembly - which will work in partnership with local authorities and other public bodies in Wales, with the voluntary sector, with central government in Whitehall and with European institutions - will be at the heart of that new democracy (Great Britain, 1997, 3, 2.1).

Not surprisingly, the electoral rules requiring election by PR for a third of the Assembly seats were at the centre of this inclusive vision but some of the more general interpretations of inclusiveness were enshrined too. These were even strengthened in

the Act which finally brought about devolution to Wales. The devolution legislation for which Davies bears the prime responsibility was intended to create an Assembly which would make possible the change in political culture which was needed to improve the quality of democracy and, in particular, increase the Welsh population's interest and enthusiasm for politics.

Central to the vision of a new inclusive devolved politics contained in the Government of Wales Act was the Assembly's committee structure. Its seven cross-party subject committees complemented by five standing committees were designed to be the 'engine room of the Assembly' (Gay and Wood, 1998:11). These committees were developed to 'receive evidence and conduct a dialogue with representatives of interested parties, including local government... [and] conduct a public dialogue with officials of the Welsh Office', thus for AMs 'significantly more time would be spent in Committee than in the Assembly [plenaries] as a whole' (*ibid.*, 1998:11). Therefore, the opportunities for constructive debate would be increased while those for the ritual display of disagreement would be minimised.

As Morgan and Mungham (2000) make very clear, the problem with the political culture in Wales has not simply been that the mass of ordinary people feel excluded from politics. The *style* of politics that is on offer has proved an additional problem: it is characterised by the discouragement of debate and the suspicion of dissent. By way of contrast, inclusiveness assumes that the people who are being included will not always agree about everything, indeed some of their disagreements will be fundamental and a democratic way must be found to recognise this fundamental conflict of opinion and deal with it in a fair and satisfactory manner (Morgan and Mungham, 2000:210-17). This is the aim of some of the innovations introduced with the Assembly, including the attention to a less formal kind of debating etiquette and the aim of increasing 'openness'.

The Government of Wales Act also included special measure to include those with the lowest record of participation. Clauses 48 and 120 of the Act state, *inter alia*, that the Assembly functions should conform to the principle of equality of opportunity for all (Great Britain, 1998b; 32, v, 120, i). Section 120 of the Act states that 'the Assembly shall make appropriate arrangements with a view to securing that its functions are exercised with due regard to the principle that there should be equality of opportunity for all people'; a duty binding on the entire 60 member government body, one that is the specific remit of the pioneering 11-strong standing Committee on Equality of Opportunity that ensures the mainstreaming of equality into *all* the executives' policies. In addition, Assembly members are subject to a number of existing equality statutes²¹, Article 119 of the Treaty of Rome²², and the European Convention on Human Rights. As Clements notes (1999), this is in marked contrast with past governmental practice, in which the Welsh Office was seldom held up to judicial review. Under Section 144 of the Act the Assembly was required to establish a Voluntary Sector Scheme, setting out how it proposed, in the exercise of its functions, to provide assistance to and consult with the voluntary sector. No comparable statutory scheme exists in England or Scotland at the present time.

The geographical divisions that have undermined all previous attempts to deliver devolution were also addressed in the Act. It contains a legal requirement for a regional committee of the Assembly to sit in and represent the interests of north Wales. Three other regional committees were established as the new government body devised its *Standing Orders* in order to provide links with the executive across

the whole country (*The Western Mail*, Thursday 24th June 1999, p.7). The cross-party development of the Assembly's Standing Orders (which can only be amended by a two-thirds majority of the full body) was another important step in the development of an inclusive agenda.

Inclusiveness was meant to be evident in the overall fiscal management of the corporate body. Davies had introduced consultation on the Welsh Office budget in 1998 in a way which was new to Whitehall. He thought the consultation had been 'meaningful' and had 'helped to get a more mature approach to the debate'. The Assembly followed suit and the Finance Secretary proclaimed '....this is an entirely new and radical way of producing a budget. It is designed to produce inclusiveness, accountability and consensus amongst us' (quoted in Osmond, 1999:14-15).

In the Welsh government's ambitious strategic ten-year plan - *Better Wales*, (NAW, 2000), 'be inclusive' was the executive's first guiding 'value and principle'. European Union initiatives had also emerged to give added momentum to an inclusive agenda in the first year of the Assembly. These require the mainstreaming of equality matters in the administration of European Objective One funds earmarked for Wales by the European Equality Partnership²³, the proposed use of 'pay audits' to promote equal pay (ahead of a mooted future EU Directive), the Amsterdam Treaty, and the European Convention on Human Rights. Most committee sessions have a member from the Assembly's Committee on Equal Opportunities and equality issues are being mainstreamed into the Assembly's detailed policy preparation. Typical of this process is the way that the recommendations of the MacPherson Report, together with the views of race equality bodies in Wales, are being fed into the development of education policy (NAW, Committee on Equality of Opportunity, Tuesday, 11 July 2000). The Pre-16 Education Committee set up an Education Working Group to consider the MacPherson Report on the Stephen Lawrence Inquiry. It held its first meeting on June 26th, and membership of the group included the Director of the Commission for Racial Equality Wales, and representatives of Race Equality First Cardiff; and the All Wales Ethnic Minority Association.

The National Assembly Advisory Group

The foregoing does not properly represent all the attempts to put inclusiveness into practice in the course of devolution to Wales because it does not include a discussion of the National Assembly Advisory Group (NAAG) which was certainly the most thorough example of the operationalisation of inclusiveness before the Assembly began its work. Indeed, to the extent that it involved a very wide range of participation, NAAG remains the most comprehensive attempt at inclusion so far. We now turn to a detailed discussion of NAAG because we consider that the story of NAAG is very instructive (or, as Davies described it, 'very interesting') since it shows us some of the paradoxes and possible pitfalls of inclusiveness. It may, indeed offer us some help in trying to establish the parameters by which we should evaluate all the other attempts to increase participation against all the odds by promoting various strategies of inclusiveness.

Davies established NAAG in December 1998, three months before the devolution referendum. The advisory group was comprised of 'a wide range of fields, including the four main political parties in Wales, the Yes and No [referendum] campaigns, business, local government, trade unions, equal opportunities and the voluntary sector'. It had the remit to provide guidance to the Standing Orders

Commission, advise the Secretary of State, and 'to produce recommendations on which consensus has been established and which contribute to the establishment of an Assembly' (National Assembly Advisory Group, 1998:4). In this section we will suggest that NAAG was deeply symbolic of inclusiveness and therefore very necessary to the devolution process but that in order to deliver this symbolism NAAG was not an occasion for real debate and real participation. This lack of real participation also undermines any suggestion that NAAG was part of the process of strengthening civil society in Wales. In a nutshell, the story of NAAG story exemplifies the problems of increasing participation in difficult circumstances.

In the absence of a Constitutional Convention²⁴ the involvement of all sorts of bodies, including other political parties, in NAAG helped to legitimate the process of constitutional change (and, indeed, represented a response to the political realities involved in getting the devolution legislation onto the statute book). According to Morgan and Mungham (2000:15), it was the Wales Labour Party's inability to work with others, especially Plaid, that explains why Wales, unlike Scotland, had never had a Convention in the first place. Davies himself cited the Wales Labour Party's rejection of the Parliament for Wales Campaign in the 1950s because the leadership felt that "any kind of devolution required in Wales can be discussed within the confines of the Labour movement" (Prothero, 1982 cited in Davies, 1999:6). Davies observed that the tradition within the Wales Labour Party was to 'close down debate', something that had become 'ingrained into the Party's mindset ... "inclusiveness" was a direct challenge to that instinct' (Davies, 1999:7). So ingrained has this instinct been that history had already repeated itself in the 1980s when the Wales Labour Party Executive 'tried repeatedly to strangle the CWA [the cross-party Campaign for a Welsh Assembly launched in 1987] and prohibit party members from having anything to do with such dangerous liaisons' (Morgan and Mungham, 2000:88)

In this atmosphere NAAG was not only legitimating a constitutional change, it was intended to challenge that political culture which Davies felt had been such an obstacle to participation. For Davies there was always more to inclusiveness than getting the devolved institutions right: it was also a question of changing a culture and new procedures were not enough on their own,

... I wasn't too worried about creating the structures – that's relatively easy, but you've then got to get people committed and you've got to change the culture, not least within the Labour Party, and other political parties as well, you've got to break that down, to get people looking in a new way ...

NAAG was part of this process and in a sense it did not matter whether there was actually any participation going on in NAAG because simply as a symbol of the end of the old political culture and the beginning of the new, inclusive one NAAG was invaluable.

NAAG took evidence from individuals and organisations from across Wales and its final report stated the Group's aim had been 'to produce recommendations ...[that are]... democratic, effective, efficient, and inclusive'; and indeed 'the themes of democracy, openness, inclusiveness, and participation, balanced with efficient and effective decision-making were strongly endorsed by the consultation responses' (NAAG, 1999 Section 0.8, p.7) The report concluded:

We believe that vigorous debate, across a range of political parties and outside interests, leading to clear decision-making, will be an essential and healthy part of the Assembly's proceedings. Otherwise the opportunity for an *inclusive*, co-operative approach to developing and implementing policies will be lost. (NAAG, 1999 - Section 0.23, p.7).

The Advisory Group recommended that in order to meet its obligations under this and other sections of the Act 'a standing equal opportunities committee ... be established - with a remit including the three strands of gender, race and disability as a minimum'. Thus the group reaffirmed the need to prioritise engagement with 'minority' groups traditionally excluded from the process of government in Wales. Amongst its other recommendations 'there was a strong desire for effective mechanisms for consulting and listening to people in Wales and for them to influence the Assembly, especially at an early stage in developing new policies' (*ibid.* 0.8, 7.).

The Group reflected the concerns and built upon the earlier 'inclusive' credentials of the White Paper, in particular they seemed to be keen to move away from the adversarial model of Westminster politics. They stated that the procedures of the new body should be 'democratic and inclusive, flexible and responsive, efficient and effective, and transparent and accountable' (*ibid.* 3, 0.24, 20). Emphasis was to be placed on building an Assembly that is 'as open and accessible to the public as possible' and NAAG was clear in stating that disability and ethnic minority groups should be consulted in order to achieve this (*ibid.* 4.2, 26). Equality of opportunity was a priority for the Advisory Group, in their view it should be the subject of an action plan that would engage with the Assembly's 'activities across all subject areas' (*ibid.* 5.13, 36), something that should involve forging links with non-departmental public bodies across Wales (*ibid.*, 8.10, 54).

All this suggests that NAAG did not only endorse and elaborate inclusiveness, but also personified it. In one sense this is actually far from the truth as NAAG was in fact very closely controlled by Davies (with the help of his advisor, Huw Roberts). He hand picked the membership so that every item of the agenda of inclusiveness could be checked off: political pluralism, gender, geography, pressure groups, business and trade unions. The decisions NAAG made were in very large part also the ones that Davies wanted the Group to make. This explains the otherwise rather surprising fact that 'the recommendations of the NAAG have been endorsed [by Davies] almost in their entirety' (Bryant, 1998:1) and the fact that the NAAG recommendations were eventually enshrined in the Government of Wales Act. NAAG was in essence a clever piece of marketing which was designed to help sell the devolution proposals to the people of Wales and to the other political parties, especially the Conservative Party.

NAAG's role in the devolution process was largely symbolic. It was emblematic of the more inclusive, more participatory, political culture that was required but not an example of it. Unlike less formal consultation procedures (see pp above on the way these influenced the drafting of the devolution legislation) NAAG did not make a genuine contribution to the shape of devolution unless the Secretary of State told it what to say first. Instead it served - by its mere existence rather than its actions - to create the right climate for the change in political culture that Davies and others thought was needed. NAAG may have been an astute move which did indeed achieve all of the goals that Davies set for it, but when attempts are made to increase participation from a very low level is there a danger that it will frequently turn out to be the case that inclusiveness is more symbolic, more token, than real? The theoretical

literature draws other possible obstacles to increased participation. The following section describes how attempts to increase 'deliberative' democracy can lead to consultation with narrow elites and how the information-gathering and decision-making imperatives of government can favour neo-corporatism rather than participation.

Discussion: deliberative democracy or neo-corporatism?

The central concerns of deliberative democracy (Bohman and Rehg, 1997; Gutman and Thompson, 1996; Elster, 1998) may broadly be defined as having two elements: '...collective decision-making with the participation of all who will be affected by the decision or their representatives', and 'decision-making by means of arguments offered by and to participants who are committed to the values of rationality and impartiality' (Elster, 1998:8). According to Cohen (1997) the process is distinguished from more familiar adversarial politics by the *commitment* of the participants to pursuing consensus through deliberation. Cohen also notes, 'not simply a form of politics, democracy, on the deliberative view, is a framework of social and institutional conditions that facilitates free discussion among equal citizens - by providing favourable conditions for participation, association, and expression ...' (Cohen, 1997:412-3).

It certainly appears to be true that part of the problem Wales has with democracy is a generalised suspicion of debate and lack of sophistication in relation to deliberation (see the discussions of the views of Tony Blair's polling advisor, Phillip Gould, in Andrews, 1999 and Morgan and Mungham, 2000). Inclusiveness can be plausibly interpreted as being concerned to change this culture to foster commitment to the pursuit of consensus through deliberation. In effect, as the Assembly finds its feet we will be able to monitor a natural experiment in the creation of deliberative democracy. In doing so, we will pay particularly close attention to the more subtle questions about deliberation raised by Gargella who concludes that contemporary

institutional system[s] could be examined in the light of at least two important observations. First, the diverse groups that comprise society find it difficult to express and defend their particular claims. Second, the system does not provide sufficient guarantees for the protection of the interests of minorities (Gargarella, 1998:274).

In this analysis a deliberative framework must be complemented by 'significant institutional reforms, aimed to achieve an ample - not an elitist - deliberation' (*ibid.*, 1998:274). Similarly, Elster asks, 'will deliberation produce all of its good effects if it takes place mainly within an elite that is self-selected because it knows more about public issues and is concerned about them?' (Elster, 1998:16) But deliberative democracy is not the only theoretical model that might be have relevance to Welsh devolution.

The notion of neo-corporatism has been around for some time (Panitch, 1980). Ostensibly at least, neo-corporatism is a matter of getting the best ideas and the most reliable information into the decision making process (the provenance of neo-corporatism is the same as managerialism and in practice it often advances hand in hand with the increased influence of managers). If you want to know, runs the logic, ask the *people* (managers) who know and hence the determination to involve organisations other than the political parties in governance. This sort of approach

might well lead to the 'consultation fatigue' at the hands of the Welsh Office prior to devolution and, now the Assembly is at work, the formal involvement in governance of representatives of business and trade unions (for example in the Business Partnership) and of the voluntary sector (for example in the Voluntary Sector Scheme). Yet the notion of a new neo-corporatist orthodoxy amongst the civil service would invite derision from many of those with experience of routine consultations. Given the ad hoc and truncated nature of most consultation processes it would be easier to conclude that consultation in Wales is less to do with getting things done efficiently than with getting them done at all. Just as no stretch of the imagination could lead a disinterested observer to decide devolution had successfully introduced a deliberative democracy so there are precious few signs that a super-efficient age of neo-corporatism has arrived in Wales.

On the other hand, the involvement in the Assembly of the various organisations representing women, ethnic minorities and disabled people appears to satisfies each of the conditions for neo-corporatism as described by Mansbridge (1992):

First, it values interest groups as ongoing institutional mechanisms for representing interests not easily represented in the territorial representative process. Second, it attempts to bring the laissez faire system of interest representation partly under public control. Third, it looks beyond traditional economic and sectoral interests for the interests that should be represented. As a system of interest representation becomes more directly involved with state law-making and law-enforcing processes, it more fully deserves the name of 'corporatist', and to the degree that it recognises non-traditional interests, it more fully deserves the prefix 'neo'. (Mansbridge, 1992: 495)

Clearly the second element of Mansbridge's definition could refer to Assembly initiatives such as the All Wales Ethnic Minority Association. Yet it might also be the case that many of these initiatives were taken simply because, given the weakness of civil society in Wales, the Assembly desperately needed someone to consult with. Much of the consultation that takes place is actually with some of the old unaccountable quangos that opinion-formers found so undemocratic in pre-devolution Wales. Moreover, it is the associations with a long history of working with the Wales Labour Party, and perhaps close involvement in setting up the Assembly, that have quickly established themselves in something approaching neo-corporatist structures while others outside of these networks, and lacking a history of co-working, are presently excluded.²⁵ From the point of view of both the Assembly and the (embryonic) civil society these are very early days. This may not be super-efficient neo-corporatism but if much of the new architecture appears to be inspired, and indeed generated, by the state, there must be some doubt as to whether all this has more to do with making governance easier than boosting participation.

Over the remainder of the Assembly's term we will assess whether the strategy of inclusiveness has nudged the Assembly in the direction of neo-corporatism. In undertaking this research we will bear in mind that, as Keeler (1989) has shown, neo-corporatism can hinder rather than advance democracy by excluding 'non-official' groups, promoting elitism and damaging accountability within representative organisations. We must also consider the possibility of an immanent tendency within neo-corporatist solutions towards consensualism and assimilation and the suppression of diverse voices (Weinreich, 1998; Mouffe, 1998; Vertovec, 1999). A

similar point is made by Day and Thompson who also note (1999:16) that some AMs actually used to run the unaccountable quangos that were meant to be a big part of the problem devolution was supposed to solve. Indeed we may find we have to ask whether it is possible to build a healthy civil society using pre-existing, unevenly politicised categories like the 'communities of fate' described by Hirst (1994) or the essentialist and marginalised categories described by Vertovec (1996, 1999) in his critique of the culturalist assumptions of institutionalised multiculturalism.

Could Do Better?

When we spoke to him in late 1999, Ron Davies was highly critical of the performance of the Assembly which he had done so much to create:

I always argued that legislation was going to be an easy part, it was actually creating the new political culture which is the difficult part, and that's very much borne out I think by where we are now, we've got this institution, we've got the structures, we've got the edifice which says equality and inclusiveness and da de da.... But you haven't got a political culture which wants to make that work

In common with other observers at the time, Davies thought that, at least in terms of the agenda of inclusiveness, and creating the conditions necessary to boost participation from a very low base, most change during the first nine months of the National Assembly had been retrogressive. It must be pointed out that, some time before this, criticism had been directed at Davies himself because the way in which he won the first leadership election over Rhodri Morgan seemed to undermine the attempt to build more inclusive politics. Further damage was done by the attacks made on Plaid in the first Assembly elections²⁶, and worst of all, the tactics used to ensure Alun Michael's victory over Rhodri Morgan in the second leadership election (Morgan and Mungham, 2000; Flynn, 1999). Thereafter it was Alun Michael, and sometimes Tony Blair and the UK Labour Party headquarters in Millbank, who was usually blamed for derailing the strategy of developing inclusive politics.

In Michael's keynote address as the First Secretary he declared that 'the real challenge of inclusive politics is not to talk about it but to take part in it ... being inclusive also means reaching out to groups and people who are often excluded from the political process' (Michael, 1999: 25-26). Davies thinks that little progress was made under Michael and that in its first nine months the Assembly politicians and civil servants did not practice inclusiveness in all the ways they would have done if he had remained in charge. Much of this was a reflection of Michael's personal style which was not at all in tune with the sort of cultural changes Davies had tried to initiate in the Welsh Office. Under Michael the Assembly spent its time responding to initiatives from Millbank or from Whitehall rather than trying to think of new structures or approaches for Wales. As a result devolution created a 'paradox':

We've got this structure which has within it mechanisms for inclusiveness. It was based on the belief that it would create a culture and that's here, that's in existence now - the structure - but the culture on which it was predicated isn't here and that's the tension which we've now got in the Assembly. Expectations have been raised that have not been fulfilled.

If he had been the First Secretary of the Assembly Davies would have continued to introduce new strands to the already complex pattern of strategies intended to bring about inclusiveness and boost participation in a Welsh context. There would have been a less traditional cabinet structure with different cabinet portfolios. Davies would have constructed cabinet portfolios to further the inclusiveness strategy. There would have been one on Welsh culture

which would have embraced culture with a small ‘c’ – media, sports, the arts, image of Wales, the language and so on – which would’ve been about pushing forward all the questions of image and identity. I would have had a cabinet minister for inclusiveness charged with devising new ways of reaching out, not only in terms of conventional social inclusiveness, but the new ways that we have to devise to attract or encompass those people that are excluded by the traditional ways.

It is commonly claimed that the outstanding success of the various strategies of inclusion employed in Welsh devolution is the atmosphere of pluralism and cross-party co-operation facilitated by the Assembly’s novel committee structure (Morgan and Mungham, 2000).²⁷ There is widespread support for this view in the Assembly, for example, it was reported that Plaid Cymru’s Policy Development Officer, Cynog Dafis, saw the work of the six cross-party subject committees as the most tangible aspect of inclusive politics because they afford an opportunity to all parties to contribute to policy development (Evans, 1999). But Davies was disdainful of the way the committees had operated in the first nine months. He would have tried to improve democracy by trying to create genuine debates rather than ritual exchanges in which politicians did not argue with each other on the basis of their predetermined positions (then vote to decide to the outcome) but deliberate and decide what they think is for the best.

According to Davies the lack of progress towards the different type of politics he had wanted to create in Wales was a function of the Michael administration’s need to keep ‘a rein on devolution ... to make sure it doesn’t get offside as far as or Millbank or Whitehall is concerned’. For Davies .

the purpose of devolution is to get away from that centralised control, so that you can let the flowers bloom, so cabinet ministers should have been much freer. The policy unit which I set up has virtually disappeared, that policy unit should have been a free thinking policy unit, with the best brains in the Welsh Office tackling the issues as they arise in a new and free way, not hidebound by the old structures either of the cabinet or the department structures in the Welsh Office.

Shortly after our interview Davies publicly criticised Alun Michael for the centralising control that characterised his tenure as First Secretary. Davies observed that ‘inclusiveness is not only more desirable as a more mature form of politics in today’s Assembly, it is *essential for effective government* (Davies, 2000:27). This criticism prompted the now familiar retort from Michael, ‘as he was involved in designing that structure, it is good that he recognises that there are gaps. I am optimistic about developing inclusiveness rather than just talking about it’²⁸.

The failure of the Alun Michael administration to convince AMs that the administration was indeed open and inclusive was at the heart of the first no-

confidence motion mounted against the (first) First Secretary (Morgan and Mungham, 2000:226). During the debate on this motion a Plaid AM questioned whether under this government 'inclusive politics is no more than a convenient word to ask us to agree with everything the Labour Government decides?'²⁹. The leader of the Welsh Conservative Party in tabling the motion concluded 'this is not the way for minority administrations to behave. It is scarcely inclusive'³⁰. Whilst the leader of the official opposition (Plaid Cymru) stated that contrary to the situation prevailing under the Wales Labour Party administration, Wales needed a vision and 'we will present proposals in the Committees and will work on an inclusive agenda to enable that vision to happen'³¹. Davies told us that very few of his colleagues have actually understood the potential that the Assembly contains. He also told us '**in politics expect the unexpected**' and that

the time will come when we can take off again, we will get up to the next level, hopefully realising the potential of the Assembly and I don't know what'll be the catalyst will be for that ... but I firmly believe we are on a process and that process will be taking off again, and then we'll see whether it'll prove to deliver the things that we've been talking about.

Shortly after our interview, following a subsequent no confidence motion, Alun Michael was replaced as First Secretary by Rhodri Morgan, a leader with much less interest in reining in devolution. It was soon reported that the Labour administration in Wales had returned to the consideration of structural and procedural measures aimed at 'boosting inclusive politics' in the fledgling executive (*Western Mail*, 11th February, 2000).

By the summer of 2000 Morgan had announced that there would be an all-party review of the Assembly chaired by Dafydd Elis Thomas, the Presiding Officer, which would report in a year's time. Richard Rawlings explains that much of the early difficulties encountered in the Assembly stem from the Labour Party's reluctance to let go, to allow others a full voice in setting-up the devolved body. This is 'the contradiction at the heart of the process. The government has preached a new inclusive style of politics for the Assembly. But it has practised a closed and élite form of constitution making' (Rawlings, 1999:508). Wyn Jones and Trystan take-up Rawlings' point:

Specifically, the chronic lack of clarity in the division of powers between the National Assembly and Westminster/Whitehall must make it extremely difficult for citizens to know which body is responsible for what, and who, therefore, to hold accountable. The Assembly's status as a body corporate serves to further muddy the waters. It is difficult to conceive how participation can be maximised in a context in which responsibility, and hence lines of accountability, are so opaque. Surely clarity in these areas is in fact a prerequisite for any political system that aspires to be participatory?

Others have highlighted what they perceive as a the initial failure of the Assembly to make full use of its secondary legislative powers and amend Acts of Parliament in an inclusive manner that represents cross-party concerns (Prys Davies, 2000). The all-party review that is presently underway is concerned, above all, to achieve the clarity that is thought necessary to increase participation. The review suggests that the will has been found to practice an inclusive style of constitution making and it represents the most tangible evidence that progress towards inclusiveness is back on track. As

ever, there are also political realities to note too: the review also serves neutralise the Assembly as political issue for the time being. This also has the effect of postponing the 'national and inclusive discussion' that Davies thinks is necessary:

we have a [political] system designed to be inclusive but a culture which is not ... we need now a national and inclusive discussion ... [to] ... involve all political parties, those of no party and be inclusive of civic society as a whole (Davies, 2000:28-9).

Conclusion

There are many people, including Ron Davies, who are certain that a strategy of inclusiveness designed to increase participation amongst a population which has been loath to participate in the past has not been properly prosecuted in the brief period the Assembly has been in operation. The crucial point is that no hard evidence of any effects on participation has yet been presented. It is this gap that our research aims to fill. Our research will test the effectiveness of the strategies for achieving inclusiveness against the evidence, beginning with the views of the organisations of civil society in Wales. We will attend to all the strategies for increasing participation that we identified in the section on *Putting Inclusiveness into Practice* but we will pay special attention to inclusiveness in consultation procedures and the performance of some institutions, particularly the Assembly's Equal Opportunities Committee. We will seek to find out whether these innovations increase participation and, if they do, who is actually participating and on what terms. To this end we will bear in mind the experience of NAAG and the possibilities that inclusiveness does not extend beyond one or more elites and that neo-corporatism might be easier to achieve than genuine participation.

[12531 excluding bibliography, notes and abstract]

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¹ Even apart from the history of the 1979 Welsh referendum, all the British referenda up to now have involved cross-party co-operation so this is not really surprising. Butler and McLean, (1997) make the point that referendums are manipulated and shaped by political expediency confirming the point that inclusiveness was a response to the special politics of referendums.

² Leading to a 'de facto coalition' between Labour and Plaid (Morgan and Mungham, 2000:197 - eventually the coalition was ended by Plaid over the very issue of Alun Michael's perceived failure to make devolution politics inclusive (Morgan and Mungham, 2000:226; also see James and Mathias, 1999).

³ See for example the debates on the creation of the Standing Orders of the Northern Ireland Assembly (reported in the Official record of the Northern Ireland Assembly Monday 8th March 1999, line 177 onwards and Tuesday 9th March 1999, lines 1385-1426. Also see Consultative Steering Group on the Scottish Parliament (1998) Section Two: The Key Principles: Putting them into Practice, The Programming of Parliamentary business. Here para. 6. States 'we believe that the programming of business in the Scottish Parliament should be inclusive and transparent...'; on language, Section 51 states 'We believe that it is important that the language used in the Parliamentary proceedings be as ... inclusive ... as possible. This would make an important contribution to meeting all 4 of our key principles'.

⁴ Funded by the Board of Celtic Studies of the University of Wales, to whom we express our thanks.

⁵ Indeed, many in the Wales Labour Party are still opposed to PR (see for example, *Manifesto*, S4C, 20.03.2000).

⁶ Davies told us he first began to think about inclusiveness *in the context of the campaign* in 1996.

⁷ For example, in his speech to the 1997 TUC Congress Tony Blair talked of "high levels of social inclusion based on values of community and social justice..." (Levitas, 1998:125).

⁸ For example, the establishment of the Social Exclusion Unit by the British Government in December 1997.

⁹ Cf. the subsequent 'conversion' of Blair to devolution - see Day and Thompson, 1999 p. 7 for instance.

¹⁰ For the project of modernising government 'the keystones of its operation are inclusiveness and integration' (Cabinet Office, (1999) p.4, para. 7.).

¹¹ It is certainly true that amongst many politicians and opinion-formers there was strong support for a solution to the chronic problem of unaccountable quangos in Wales. For these people the lack of accountability of quangos certainly became so glaring that the case for some democratic means of

regulating them seemed overwhelming (Morgan and Mungham, 2000:63; Morgan and Roberts, 1993; Ridley and Wilson, 1995; Gay 1996) but there is no evidence that this sort of concern animated a great deal of support for devolution amongst the electorate.

¹² At least as far as the 1920s (Rees G., Fevre R., Furlong J. and Gorard S., 1997; Fevre, R. Rees, G. and Gorard, S., 1999; Fevre, R., Gorard, S. and Rees G., 2000).

¹³ Note that Wyn Jones and Trystan (2000) show that patterns of TV viewing did affect turnout in the Assembly elections.

¹⁴ For more on the diversity and plurality to be contained in the developing sense of Welsh identity see Thompson and Day (1999)

¹⁵ The credit for suggesting to Davies 'that it might be clever to put a requirement for equality into the legislation' is claimed by Val Feld, while the credit for drafting this part (section 120) of the Government of Wales Act is claimed by Helen Mary Jones (see for example the Assembly's first annual plenary debate on the draft Annual Report of the Committee on Equality of Opportunity, July 12th 2000). At the time Feld and Jones were Director and Deputy Director of the Equal Opportunities Commission, Wales. They are now senior AMs and influential members of the Wales Labour Party (Feld) and Plaid Cymru (Jones).

¹⁶ A consultation document was issued on 26th March 1999, the Economic Development Committee set up the Partnership on 14th August 1999 and it was discussed in a plenary session of the Assembly on 30th September 1999. Its first meeting was held on 16th December 1999.

¹⁷ Finance Edwina Hart, opening the Assembly's Plenary Debate to Mark International Women's Day (*Y Cofnod Swyddogol - The Official Record*, 8th March 2000).

¹⁸ Second to Sweden. See the classification produced by the International Parliamentary Union <http://www.ipu.org/wmn-e/classif.htm> . However the Assembly would technically be regarded as a regional Assembly as opposed to a national parliament under this listing. Women comprise 25 of the 60 AMs and 5 of the 9 Assembly Secretaries

¹⁹ It also caused some damage to the reputation of the Wales Labour Party amongst ethnic minority organisations in Wales (Williams and Chaney, 2001), a pattern that was later repeated in England. After the London Mayoral Elections Trevor Phillips warned the Party about its marginalisation of ethnic minorities. In the summer of 2000 Harriet Harman intervened to urge Labour to 'do more' for women and suggested that the Party should allow women-only shortlists for parliamentary candidates (Harman, and Mattinson, , 2000).

²⁰ 298 House of Commons Debates (Hansard), col 757 (22 July 1997) emphasis added.

²¹ For example: The Equal Pay Act (1970), as amended in 1983; The Sex Discrimination Act (1975), as amended 1986; The Race Relations Act (1976); The Welsh Language Act (1995); The Disability Discrimination Act (1996).

²² This 'involves a responsibility to implement Directives, Recommendations and Codes of Practice in the spirit of promoting equality for specific disadvantaged groups across Wales' (Wooding, 1998:97).

²³ A working group composed of Disability Wales, the Equal Opportunities Commission, the Commission for Racial Equality, the Welsh Development Agency, the Welsh Council for Voluntary Action and the Civil Service.

²⁴ NAAG was in fact a very modest substitute for the wider involvement signified by the Scottish Constitutional Convention (Rawlings, 1998:509)

²⁵ We are aware that secondary 'associations are not given agencies that emerge from underlying and natural divisions in social life, rather they are political *constructs*' (Hirst, 1992:475) but our point is that in Wales this process of construction has been very uneven.

²⁶ For example in the pamphlet *The A-Z of Nationalist Madness*.

²⁷ Special praise is reserved for the way the parties work together on the Agriculture and Rural Development Committee (Morgan and Mungham, 2000:206).

²⁸ *Western Mail*, 20.01.2000, p.3.

²⁹ Rhodri Glyn Thomas AM, Plaid Cymru, stated "ac nad yw gwleidyddiaeth gynhwysol yn ddim amgen na gair cyfleus i ofyn inni gytuno â phopeth y mae'r Llywodraeth Lafur yn ei benderfynu?", (*Y Cyfnod Swyddogol - The Official Record*, 2nd November 1999).

³⁰ Nick Bourne AM, Welsh Conservative Party, (*Y Cyfnod Swyddogol - The Official Record*, 2nd November 1999).

³¹ Dafydd Wigley AM, Plaid Cymru, (*Y Cyfnod Swyddogol - The Official Record*, 2nd November 1999).