

Progressive home rule?

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*What progressives can learn from two decades of Welsh
devolution*

The establishment in 1999 of what is now formally known as the *Senedd*, or Welsh parliament, was the culmination of a century and more of argument in favour of what used to be known – more pleasingly, we suggest – as ‘home rule’. While the intensity of agitation ebbed and flowed over that extended period, one constant was that the arguments in favour of devolution were almost exclusively associated with the progressive side of politics. Not all progressives in Wales supported devolution, of course. Neil Kinnock, for example, was probably the most effective opponent at the time of the 1979 referendum, and his views do not appear to have shifted much in the interim. But with remarkably few exceptions, advocates of home rule have tended to be progressives who have all envisaged the establishment of a Welsh parliament and government as a means to progressive political ends.

This, in turn, reflects the ways in which the particular trajectory of Welsh social and political history has served to intertwine national and class narratives in ways that have underpinned perhaps the longest period of progressive/centre-left electoral dominance ever seen: a hundred and fifty years plus and counting. Yet no matter how interesting the story of how we got here, given the umbilical link between progressive values and Welsh devolution, now also seems like an auspicious time to widen the optic and ask what lessons progressives outside Wales might learn from the experience of the past two decades.

LEGITIMACY CAN BE BUILT...

The 1997 referendum that led to the establishment of democratic devolution in Wales provided a night of rare political drama. Unlike the Scottish vote that had been held a week before and which always felt like the most certain of sure bets, the Welsh result hinged on the very final

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declaration of the night. That left Yes campaigners victorious but on the basis of the tightest of margins: a majority in favour of only 6,721 votes, or 0.3% of the eligible electorate.¹

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But while no one could reasonably have faulted the drama, it was, in truth, an inauspicious basis on which to establish what was initially called the ‘National Assembly for Wales’. With turnout having only just edged over the 50% mark, and with those who had voted divided almost equally, Welsh devolution was a fundamental constitutional reform initiated on the basis of the active support of only a quarter of the country’s electorate. Yet so-called losers’ consent for the result was earned in relatively short order.² In fact, when presented with a list of options in surveys, a plurality of the Welsh electorate are consistently found to be in favour of *more* powers for the Senedd (see Figure 1).

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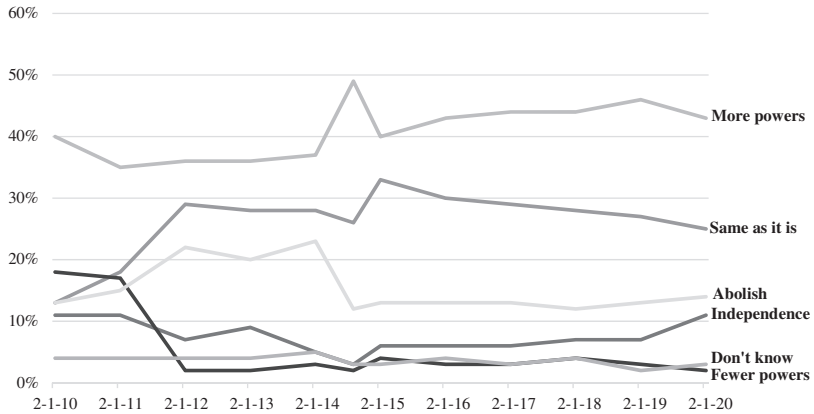
‘Earned’ is important here. The politicians who had worked together to secure the referendum victory (a cross-party coalition consisting of parts of Welsh Labour, Plaid Cymru and Welsh Liberal Democrats) were deeply conscious of the fragility of the mandate they had won and worked assiduously to buttress it – not least by seeking to build Wales’s devolved institutions on a new, genuinely inclusive basis. Much has rightly been made of: the efforts to use the opportunity of devolution to improve on the country’s previously shamefully low levels of female representation; of the stress on transparency; and of the way that the post-devolution political process is far more accessible than that which preceded it.³ But it is also

¹ Wyn Jones R and Trystan D (1999) ‘The 1997 Welsh referendum vote’, in Taylor B and Thomson K (eds) *Scotland and Wales: Nations again?*, University of Wales Press: 65–93

² See Scully R, Wyn Jones R and Trystan D (2004) ‘Turnout, participation and legitimacy in post-devolution Wales’, *British Journal of Political Science*, 34(3): 519–537, doi:http://10.0.3.249/S000712340400016X

³ Stirbu D, Larner JM and McAllister L (2018) ‘Gender representation in the “new” politics: approaches to candidate selection in the UK’s legislatures and beyond’, in Cordero G and Coller X (eds) *Democratizing Candidate Selection: New methods, old receipts*, Palgrave Macmillan

Figure 1: Responses to a multiple-choice constitutional preference question in Wales over time



Source: ICM, St David's Day poll

well to recall that it was the assembly's semi-proportional electoral system that offered the Welsh Conservatives a way back onto the political stage after their electoral wipe-outs at both the 1997 and 2001 general elections. While it is true to say that most Welsh Conservatives have never embraced devolution with enthusiasm, and the party's turn to populist Anglo-British nationalism raises major questions for the future, to which we return below, the enlightened efforts of Welsh home rulers to build legitimacy has helped establish devolution – after the fact – as the ‘settled will’ of the country's electorate. Both the progressive lessons of this – as well as the stark contrast with the way that Leavers conducted themselves after the 2016 Brexit referendum – should be obvious.

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... BUT THE WELSH MODEL IS NOT EASILY REPLICATED

For some on the English centre-left who yearn for a serious programme of regional devolution within England, the Welsh experience, and in

particular the journey from the overwhelming rejection of devolution in 1979, via the narrow 1997 victory, to today's 'settled will', serves as a promissory note that the disastrous defeat in the 2004 referendum on a north-east assembly can also one day be reversed.

Hope springs eternal, of course. But it is also hard to see how the conditions that made that Welsh journey possible can be replicated on any regional basis within England. This because of the extent to which support for devolution in Wales has been based on – and then built out from – the existence of a strong sense of Welsh national identity.⁴

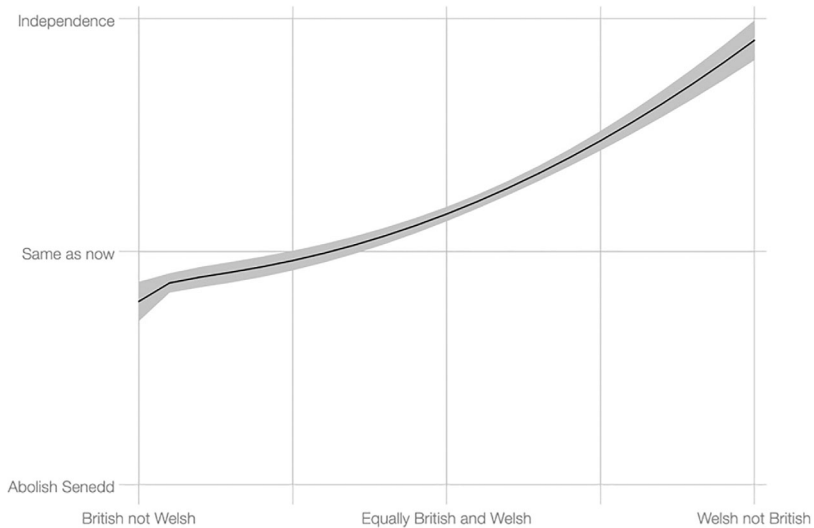
At some point in the mid to late 1980s, it would appear that support for the principle of political devolution came to appear as a common-sense corollary to feeling Welsh, this in a way that was simply not the case at the time of the 1979 referendum. Unfortunately, a lack of data precludes the possibility of explaining precisely when or even why this happened, though it seems probable that it can be chalked up as yet another legacy of Margaret Thatcher's premiership. At any rate, it was on the basis of the support of Welsh identifiers that devolution was won in 1997. While support for the principle of devolution has widened considerably since then, it nonetheless remains the case that it is this demographic that is most strongly supportive of home rule, including further measures of devolution up to and including independence (as Figure 2 shows).

This is not a source of legitimacy and support available to supporters of English regional devolution – especially in the context of the continuing (and in our view, politically disastrous) tendency of progressive supporters of devolution in England to view the establishment of a regional level of government as a prophylactic against assertions of English political identity. In other words, the Welsh experience offers cold comfort to those progressives who would continue to try to ignore Englishness.

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⁴ Curtice J (1999) 'Is Scotland a nation and Wales not? Why the two referendum results were so different', in Taylor B and Thomson K (eds) *Scotland and Wales: Nations again?*, University of Wales Press: 119–147;
Wyn Jones R (2001) 'On process, events and unintended consequences: national identity and the politics of Welsh devolution', *Scottish Affairs*, 37: 34–57

Figure 2: Relationship between Welsh voters' relative national identity and their constitutional preferences (on a 0–10 scale)



Source: *Welsh Election Study 2019*

CONSTITUTIONAL PRINCIPLE AND COHERENCE MATTERS – ESPECIALLY FOR PROGRESSIVES

The paradox of Welsh devolution is that support for the principle of devolution has widened and deepened across the country's population, even if the history of constitution-building over the past two decades is best characterised as a series of failures.

It is beyond the scope of this discussion to provide a full account of this sorry tale. Suffice it to say that the original model of executive devolution was so hopelessly inadequate that devolved politicians of all stripes colluded together to try to carve out something more workable from the incoherent mess that was the Government of Wales Act 1998.⁵ That was succeeded by a new Government of Wales Act in 2006, which incorporated within itself two different schemes by which the assembly could create primary legislation. The first – operational between 2007 and 2011 – was a scheme

⁵ See Rawlings R (2003) *Delineating Wales: Constitutional, legal and administrative aspects of national devolution*, University of Wales Press

of such byzantine complexity that it rapidly lost all credibility. It was replaced by a so-called conferred powers model of legislative devolution. This was similar to the one originally proposed for Scotland in the late 1970s but which the UK government had subsequently rejected when Scottish devolution returned onto the agenda in the late 1990s on the basis that it would not provide the requisite level of legal certainty about the powers and competences of the new devolved parliament. And lo and behold, when it was enacted in Wales in 2011, it led almost immediately to Supreme Court challenges and the kinds of uncertainties about which policymakers had already been forewarned.

Since then, there have been two further fundamental changes to the devolution dispensation – the term ‘settlement’ seems singularly inappropriate. The Wales Act 2014 led to the creation of devolved taxes, including the ‘Welsh variable rate’ of income tax. The manifest failings of the conferred powers model then led to the passage of the Wales Act 2017, which moved Welsh devolution on to a reserved powers model of legislative devolution, similar to that found in Scotland and Northern Ireland. Yet despite this, Wales still remains out of step inasmuch as justice functions remain un-devolved, leaving the Welsh government unable to engage in any meaningful way with the fact that Wales has consistently the highest imprisonment rate in western Europe.⁶

And herein lies the rub. While the story of constitutional instability provides plenty of fodder for academic seminars and the like, in terms of progressive policymaking it can only be considered as an opportunity lost. Time and time again, when attempts have been made to develop new policy initiatives, they have run up against the limits of the Senedd’s legislative competences. This was perhaps most pronounced in the first years of devolution, but it remains the case even today when devolved powers have been substantially expanded. Then of course there’s the opportunity cost of having had to devote so much time and energy to process rather than actual substance.

⁶ Jones R (2020) *Prison, Probation and Sentencing in Wales: 2019 factfile*, Wales Governance Centre

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In turn, this helps explain why, in policy terms, the story of Welsh devolution so far is – whisper it quietly – pretty unimpressive. Bus passes for older people; free prescriptions for all; and a system of higher education funding that’s generous to students but has left universities themselves struggling. While these are the examples of positive changes that tend to be seized upon by supporters of the Welsh government, over a period of two decades they amount to thin gruel.

More significant, in truth, has been the ability of devolved institutions to block disastrous initiatives being pursued by successive UK governments in England. The Private Finance Initiative (PFI), the evisceration of local government, marketisation even in settings where this is manifestly inappropriate – these are only some of the developments that have been (largely) seen off in Wales. From a progressive perspective, this is welcome. But the real lesson is surely that piecemeal, incoherent efforts to decentralise power that ignore basic constitutional principles – that is, overwhelmingly the kind of ‘devolution’ we have seen in England over the past two decades – leads largely to an essentially defensive approach to policymaking and, beyond that, frustration and stasis. In Wales, devolution has been able to rely on the staunch support of a significant proportion of the Welsh population in order to gradually transcend these limitations. English devolution, however, remains stuck in the constitutional mire.

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PROGRESSIVES REMAIN SLOW TO ENGAGE WITH THE TRANSFORMATIONAL POSSIBILITIES OF DEVOLUTION

Given that Wales has a stable centre-left majority in its devolved parliament and has been governed by the centre-left since 1999, one of the more puzzling features of the past two decades is why progressive think tanks and other policy entrepreneurs have not made more of an effort to persuade Wales to act as a test bed for progressive policy ideas. So, for example, there is no Welsh equivalent of IPPR Scotland or IPPR North,

neither have the trade unions invested in creating serious policymaking capacity in Wales. There are almost certainly contingent explanations for some of this. In the early years, the difficulties of doing *anything* constructive within the confines of the executive devolution could well have acted as a disincentive. It probably hasn't helped either that the major expansion in powers and competences at the Welsh level has coincided with austerity, with less money available to fund such developments. Or perhaps Welsh Labour isn't regarded as welcoming such initiatives and Plaid Cymru – the other main player on the centre-left – is regarded as being beyond the pale? There's also the possibility that Wales just isn't seen as being significant enough to justify the investment.

All this is speculation. What seems beyond doubt is that this lack of engagement by progressive policy thinkers must be regarded as another opportunity lost – especially in a context in which progressives are increasingly focused on the transformational potential of policies devised and enacted at the regional or 'meso' level. Wales provides a largely untapped yet, we might suggest, unrivalled opportunity to put such theory into practice. Time will tell if this will change or if Wales will continue to be left to its own devices.

THE FIRST TWO DECADES WERE ALMOST CERTAINLY THE EASY BIT

Wales's devolved institutions have managed the difficult task of transitioning from bodies with minimal powers and limited public support to being powerful actors in Welsh life, enjoying widespread support and legitimacy. The current COVID-19 pandemic is serving only to underline the extent to which Wales has changed in only two decades, with the Welsh government's cautious and measured approach winning widespread plaudits and support right across the political spectrum, with the exception of the populist right (though note that even this fissiparous grouping has now split into pro- and anti-devolution factions).

Yet it also seems reasonable to suggest that the challenges facing Welsh devolution are likely to be even more daunting over the coming years. The country is now faced with a UK government that is using Brexit as an opportunity to centralise power. Indeed, through its Internal Market Bill, it is now actively undermining the foundations on which devolution has been

built – all this without any clear or coherent idea of what new order might take its place.⁷ Since the coming to power of the Johnson–Cummings duumvirate, the Welsh government’s attempts to engage constructively with the UK government have been comprehensively rebuffed, and all its warnings about the likely consequences of doing so for the very fabric and future of the Union ignored. Meanwhile, the Welsh Conservatives have not only become increasingly strident in their support for anything and everything that the UK government does but also would seem to be adopting a position whose logical conclusion can only be the unwinding of devolution.

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The entirely predictable consequence of this is to push many in Wales in the direction of independence. The rapid growth in support for independence is underlined by the fact that the most recent polling shows that around half of Welsh Labour’s supporters at the December 2019 general election – overwhelmingly its younger and more progressive supporters – would vote Yes if a referendum were to be called.⁸

It remains to be seen if progressives who want to preserve the Union will be able to present an alternative vision for the future of the Union beyond warm and, so far, contentless words about ‘federalism’. Equally significant is their ability to present a credible plan for realising that vision. But there should be no doubt that if forced to choose between a centralising UK state hell-bent on lowering social and environmental standards in the name of ‘Global Britain’, or pursuing the dream of a fairer, greener Wales, many progressives of different political stripes will opt for the latter, no matter the practical obstacles. In Wales, support for home rule and progressive values continue to walk hand in hand.

⁷ See Dougan M, Hayward K, Hunt J, McEwan N, McHarg A and Wincott D (2020) *UK Internal Market Bill, Devolution and the Union*, UK in a Changing Europe

⁸ YesCymru (2020) ‘A third would vote for Welsh independence tomorrow’, YesCymru website, 25 August 2020. https://www.yes.cymru/third_vote_independence

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