

TEN YEARS OF DEVOLUTION: REFLECTIONS OF A FIRST MINISTER *

Thank you for the opportunity of being here this evening.

I am taking, as my text, the asymmetrical development of devolution in the United Kingdom.

That asymmetry is the ultimate triumph of Britishness – muddle through – never mind the loose ends – Britishness. Ironic yes, but constitutional change has always left loose ends in the tortuous formation of the modern state with the longest name on earth for a nation – the United Kingdom of Great Britain and Northern Ireland – nine words which say it all about the curious relationship between the Anglo Saxons and the Celts in these islands – it says it all. Nine words and indeed 48 letters – only four fewer than Llanfairpwllgwyngyllgogerychwyrndrobwllllantysiliogogoch – indeed.

That's the irony.

Twelve and a half years on from the Labour landslide victory of May 1997, and nearly ten years since the formation of the Scottish Parliament and the National Assembly for Wales, devolution is no longer the babe in arms of the British constitution.

We are, I admit, still the new kids on the block of Government. But in our ten years we've got enough experience of grown-up administration – mixed, no doubt, with a bit of youthful attitude – to have something to look back on and look forward to.

Perhaps I should make it clear, near the outset that I am not against asymmetry. Anyone who believes, as I do, that devolution has been able to move government closer to the populations it serves and continues to be struck, every single day, by the opportunity it affords to craft local solutions to

local problems, cannot help being an enthusiast for that quintessentially British approach to constitutional change which makes a virtue of doing what works in practice, rather than following some predetermined, codified manual of administrative reform – that’s what we think of German formal symmetry and tidiness, [although again, ironically, it was our best constitutional lawyers plus a few clever Americans who wrote it for them in 1947].

Madeline Albright, when she was Secretary of State in the second Clinton administration, used to tell the story of describing to a group of French diplomats how she had managed to bring about some small step of progress in that most intractable of diplomatic contexts, the Middle East. Having triumphantly put in place the last piece of jigsaw, and unveiled the picture of her success, she was met, she said, with the ultimate riposte from one of her audience that, “Ah Madame Albright, that may be all very well in practice, but ‘ow would it work in theory?”.

And that capacity for asymmetric evolution is nowhere better illustrated than by reference to devolution to Wales. As has often been said, “devolution is a process, not an event”, and the Government of Wales Act 2006 is a statutory reaffirmation of that statement. What the Act does, explicitly, is to provide a mechanism to enable the legislative capacity of the National Assembly to expand incrementally, over time, in response to requests from Cardiff. Not for us in Wales, as in Scotland, the allocation of defined responsibilities to a new legislature and tier of government; rather a pragmatic instrument for growth and development of competence over time, reflecting the quite different constitutional history of Wales and its distinctive relationship with England.

Constitutional reform in the post-1997 Labour period has proceeded on the basis of practice not theory basis. It is far closer to what President Clinton, himself, called the “living laboratory” of the United States in which each of the different States of the Union is able to pursue its own solution to state-level problems, while listening to, and learning from, the experiences of all the rest. Experimentation, Innovation, Peer Group Comparison, Adaptation, even Plain Vanilla Copying of Public Policy Initiatives – that is how the Fifty States work.

Politically, the devolution decade has demonstrated just how pragmatically “suck it and see” the devolution experiment has been.

Imagine, early in 1997, slipping out to ask the local branch of Ladbrokes to offer you odds on a four-leg accumulator which went like this.

Part (a), Labour in full power at Westminster continuously for almost thirteen years, for three general elections with an overall majority never falling below 66.

Part (b), a functioning devolved administration in Northern Ireland made up of First Minister and Arch Unionist, Peter Robinson and Deputy First Minister and Arch Republican, Martin McGuinness.

Part (c), a Scottish Government, albeit a minority administration, comprised wholly and exclusively of the Scottish Nationalist Party; and

Part (d), perhaps most curiously of all, a Welsh Assembly coalition Government commanding more than two-thirds of the votes on the Assembly floor, led by a Labour First Minister with a Plaid Cymru Deputy.

Of course, if devolution has been carried along as much by practicality as by theology, this is not to suggest that there are not different political and ideological views about how the constitutional arrangements of the United Kingdom ought to be conducted.

Just as the rebound from forty years of fascist dictatorship under Franco helped the establishment of devolution in Spain, Margaret Thatcher's one-eyed Unionism did the same for Wales. After seventeen years of being ruled by Governor-Generals representing, among others, Worcester, Wirral and Wokingham in the House of Commons, Welsh voters wanted a clear insurance policy against that ever happening again, and the Assembly was that insurance policy.

The Labour stance has been, in essence, that devolution offers the people of Scotland, Wales and Northern Ireland, the best of both worlds. We in Wales have control over our own great domestic policy fields – in health, education, environment, housing, local government and so on – while retaining the benefits of a UK-wide economy, a UK-wide position in the world, and a UK-wide pool of talent and energy into which we contribute from which to shape our collective futures. Would Sir Emyr Jones Parry, the President of Aberystwyth University, have had any influence on world affairs in his previous job if he had been UN Ambassador for Wales, not the UK?

Neither former Federalism, the Lib Dem constitutional preference, nor Independence, as favoured by Plaid Cymru have much traction in Wales. The essential contest remains between a declining minority, represented by the backward-looking Unionism of the three current Conservative MPs in the Commons, and those who aim to test the temperature of the water with the Welsh public to see how far they want to go in Welsh distinctiveness.

Because Wales is a geographically centrifugal country, with the mountains in the middle and the bulk of the population in two arcs near the English border, the precise reverse of the Scottish disposition, we have to use devolution to bind Wales together in a way that pre-devolution civil society institutions did not do. There are all sorts of reasons why the Scottish NFU was autonomous but the Welsh NFU was not. The same applies to the Scottish WI or the Scottish TUC, contrasting with the Welsh WI and Wales TUC. The history doesn't matter now. What matters is that pre-devolution, leaders of civil society institutions had no familiarity with either the burdens or delights of making decisions – real decisions that did not have to be referred to head office. The support for any package of further powers for the Assembly has to be based on a growing confidence in the use being made of the existing powers. If used well, in a way that appeals to actual real live citizens, then confidence grows that we can make more and bigger decisions for ourselves, and decisions that would bring greater benefits than decisions that are sent down from Head Office.

When I look back over the very earliest period of devolution, I sometimes think that we were lucky to have got off to such a bad start. Those with longish memories here will recall the wafer-thin majority by which devolution was secured in Wales, followed shortly thereafter by the then Secretary of State's incursion onto Clapham Common. When the Assembly first sat, in May 1999 there were four Party Leaders in place. Less than a year later, only one of those four remained. One had been deposed in an act of defenestration within his own Party, one had resigned to avoid a vote of no confidence on the floor of the Assembly itself, and one was awaiting trial at Knightsbridge Crown Court, following an altercation involving a number of young women and a rather dodgy pizza.

You might not be surprised to learn that, against this background, public expectations within Wales of what the Assembly might achieve were not astronomical, and outside Wales the words 'laughing' and 'stock' probably came to mind for assembling into a well-known phrase or saying.

Slowly, however, with a majority, coalition government in place from October 2000 onwards, the ability to provide competent, reliable and accessible administration began to have an impact on public opinion.

The turning point, I believe, came in the autumn and winter of 2000/01 when an almost Old Testament set of tests – fuel protests, flooding, Corus closures and then culminating in foot and mouth kicking off in February 2001 – provided us with a challenge to show what having an Assembly Government could do to protect our economy, our public services and our environment.

I think we passed that test pretty well. By the time the crises were over, the Assembly had become the natural place for people in Wales to turn to, when faced with difficulties – and we've stayed that way ever since. The recession has provided us with an even greater test of our capacity to lead Wales through troubled waters.

Over the decade, the essential task which successive Labour only or Labour-led administrations has tried to accomplish has been to pursue a policy agenda which meets the needs of Welsh circumstances and which is consistent with the social democratic tradition which Welsh politics represents.

In the time I've available this afternoon, here are just a few examples of what this has meant.

In many ways, of course, just listing policies – or 'achievements' as we in politics call them – is easy enough. The far more risky business is to suggest that there is a set of underlying themes, or principles, on which individual policies are based and which, collectively, gives a coherence to the business of government.

I'm going to take that risk this afternoon, by linking the specifics of particular policies to some general propositions which, I argue, amount to a distinctive post-devolution politics in Wales.

My first proposition is that ***good government is good for you***. Sometimes, in Wales, when I say this, listeners react as if I were simply stating the blindingly obvious with expletive deleted. However, as people in this audience will know, the notion that good government is small government, and that government does best when government does least, is a political tradition which is alive and well in the United Kingdom and, undoubtedly, represented in the thinking of the present day Conservative Party.

That way of thinking has never obtained a hold in Wales. My practical example of this proposition is a very current one. Since the onset of the recession, which has hit Wales particularly hard, we have held a series of Economic Summits, about every six weeks, in different parts of the country. The purpose of the summits is two-fold. Firstly, they bring together all the major players who have a contribution to make to responding to the recession, and putting Wales in a better place to come out of it. In that sense, they harness the collective effort of Wales as a nation, around a common

problem. Secondly, they focus very clearly on devising solutions, not simply on elaborating analysis. Out of the Summits has come a set of actions on the ground. Our twin schemes, ReAct and ProAct, provide direct financial assistance to firms and their employees who are in difficulty. ProAct allows employers to retain staff on their books, while orders are low, so that when the upturn comes they are there to take advantage of it. It is a requirement of the scheme that the money which the Assembly Government provides has to be used for training and skill development during these slack periods. We are not paying people to sit at home two or three days a week. ReAct offers the same focus on re-equipping workers who have been made redundant for the jobs of the future.

Out of the summits, also, has come a range of ideas for making good the collapse of finance. Using our own, wholly state-owned merchant bank, called Finance Wales, we are the first part of the UK to be able to draw down funding from the JEREMIE scheme of the European Investment Bank.

The point I am making is this. In many parts of the world, it seems to have come as a surprise that it has needed left-of-centre policy solutions to rescue capitalism from its own worst excesses. In Wales, we've always acted on the basis that the market does not always provide, that the private sector, although good at innovation, does not meet all needs, that government has a pivotal part to play in ensuring that the rights and needs of citizens are promoted and protected, and the dealing with the recession is only the latest manifestation of our belief in the role which active, progressive government needs to play.

My second general proposition is that investment up-stream of problems is always to be preferred to paying out money to deal with the consequences which such problems leave behind.

In health, we have build on the legacy of Archie Cochrane, for example, in trying to shift policy, and money, in favour of primary, public and preventative

health measures as we pursue our goal of a real *National Health Service*, not only an illness-treatment service.

In education, we have pursued the single most radical policy of any of the four UK nations, in any policy area, in tearing up almost 150 years of conventional class-room learning for 3–7 year olds, in favour of a curriculum, and an approach to teaching, based on the Scandinavian model of learn-through-play not learn through learn. The Foundation Phase, as it is known, has been backed by Wales' largest ever new investment in education, as we move to adult-pupil ratios of 1:8 for the youngest children, and 1:10 for 6 and 7 year olds.

The Foundation Phase, and allied initiatives such as providing free breakfasts in our primary schools, is part of a fundamental drive we are making in Wales to invest in those earliest years, where we know that the return on that investment will be greatest. Having a healthy breakfast means that children start the school day ready to learn, able to behave sociably with others and enjoy the school experience. Learn-through-play means that we can erode the basic problem we face in Wales, that far too many of our children, far too early in their lives, come to believe that the school phase of life is not really meaningful for them because they have come to believe that they are dull, sometimes before they are seven.

The Welsh approach to early years education was, by inference, endorsed extraordinarily strongly in the Cambridge Primary Review of primary education in England a few weeks ago. It concluded that an 'insistence on the earliest possible start to formal schooling, against the grain of international evidence and practice, is educationally counter-productive'. Instead, it suggested, early years experience ought to be re-orientated to focus on social and experiential forms of informal learning. If ever you needed the advantages of the 4 Living Laboratories in public policy making and public policy comparisons, this was it. If we're right, and we won't really know until the 2008 generation of 3/4 year olds reach just beyond statutory school leaving age in about 15 years time, England can copy us.

My third, and final general proposition, for this afternoon's purposes, is that devolved government in Wales has been conducted in a way which makes much better use of the opportunity it has given us to tackle policy issues across a whole administration.

As an institution, the Assembly itself is a giant step forward, as far as inclusivity is concerned. We operate in an entirely bilingual environment; we have as many – if not more – women than men; we have people in their 20s and people in their 70s. If you want to speak to your Assembly Member, then you simply have to turn up at the new Senedd building on a Tuesday or Wednesday afternoon, and you are more-or-less guaranteed to be able to do so.

We have tried to maximise the advantages which this small scale provides us in Government. My Cabinet has nine members. We all work along a single corridor. While we meet formally most weeks, we meet informally all the time. It means that we have a real opportunity to harness the efforts of all Ministers, and all Departments in solving those problems which stretch across the range of a whole administration.

My practical example of this way of working is to be found in our Older Persons' Strategy. Launched in 2003, with a 10 year time horizon, it was the first such document in the UK and built into our policy-making the UN Principles for Older People: independence, participation, care, self-fulfilment and dignity.

Probably the most easily identifiable outcome of the Strategy to date has been the appointment of the UK's first ever independent Commissioner for Older People. Her office has a remit to:

- Promote awareness of the interests of older people in Wales

- Promote provision of opportunities for, and the elimination of discrimination against older people in Wales
- Encourage good practice in the treatment of older people in Wales
- Keep under review the adequacy and effectiveness of the law affecting the interests of older people in Wales

It was just this across-government approach which led the IPPR, in its recent report on *Devolution and Older Age in the UK* to conclude that:

'The Welsh approach seems to be the most coherent long-term commitment to improving the position of older people of any administration in the UK in the last decade.....the Welsh Strategy appears the most likely of any to ensure a continuing high profile for older people's issues across many policy areas and at a local level'.

Looking then to the future, very soon now we will be receiving the Report of the All Wales Convention, and considering carefully the question of whether people in Wales are ready to take the next step forward.

The Convention, under the chairmanship of Sir Emyr Jones Parry, has undertaken an extensive consultation exercise, essentially on the question of whether people in Wales are yet ready to take the next step forward in devolution, which would mean conferring wide-ranging legislative powers on the National Assembly in one go, rather than on a step by step basis. That would require another referendum, and it will be for the Assembly Government, and in due course the National Assembly itself, to decide whether to initiate that process.

In some ways, this is not the best of times to be considering this question. Public respect for politicians is at a low ebb, and some people argue that times of economic difficulty are not conducive to debate on constitutional issues. So it would not be surprising if we hear siren voices saying, "No, not yet". But there will be others who offer a more optimistic vision.

A decade of devolution has laid down the foundation stones for more powers for the Assembly because the people of Wales have developed confidence about Wales' capacity to run its own domestic agenda without making a mess of things. And the support for further powers will be based on our confidence too, about the way we are using existing powers. If the citizens of Wales think we are using our powers now to do a good job for them, they will willingly support further powers. The ultimate test of power is how well you use it and for what purpose – put it another way – what does it do for Mrs Jones and the kids in Cwmscwt?

Right now, I cannot say what the decision about holding a referendum will be, but I do know that devolution in Wales will not develop by following a pattern based on text-books on constitutional law. Text-book models are not the Welsh way. It will happen because the people see it delivering for them

Nor are they the British way; and I believe that the success of devolution since 1999 shows the remarkable strength of that great pragmatic tradition, one we should all celebrate. As I said at the outset, our asymmetric devolution is a triumph of Britishness and our pragmatic approach to taking the people with us is a triumph of Welshness.

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- * The text of the twenty-third annual lecture of the Welsh Political Archive delivered at the Drwm, the National Library of Wales, 6 October 2009