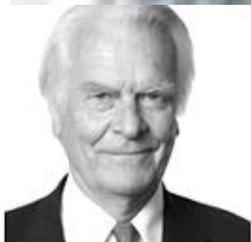


Towards Federalism and Beyond...

A collection of essays by Lord David Owen, Gwynoro Jones,
Lord Elystan Morgan and Glyndwr Cennydd Jones



With a preface by Martin Shipton

About this booklet

Prepared during summer 2017 in the wake of the EU Referendum and General Election of the past year, this booklet shares the views of Lord David Owen, Gwynoro Jones, Lord Elystan Morgan and Glyndwr Cennydd Jones on the future of the UK Union generally and Wales's status within it specifically, including a preface written by Martin Shipton.

Considering that the four nations are intrinsically linked culturally and historically in modern times through shared industrial, political and international experiences, the UK constitutional question prompts a range of responses depending on where one places an emphasis on the economic to social measuring scale.

An alternative way of posing the problem might be to ask how we could better set about empowering the people of these isles from Lands End to Cardiff to John o' Groats, and Londonderry to Caernarfon to Newcastle, in improving standards of living and personal fulfilment through a political system and ensuing policies which promote economic success regionally, nationally and globally whilst maintaining internal and external security.

Drawing on the significant experiences of the authors, these individual essays and joint discussions highlight the need for a Constitutional Convention to explore the various alternative models to devolution, encompassing shifts towards federalism and beyond...

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Booklet released in September 2017: First imprint

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Lord David Owen, Gwynoro Jones, Lord Elystan Morgan and Glyndwr Cennydd Jones share thoughts on the UK Union and the need for a Constitutional Convention.

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Preface

by Martin Shipton



There are those who would have us believe that the discussion of constitutional questions represents little more than a diversion for those who shy away from confronting the real concerns of ordinary people. Politicians in that camp will tell you that when they canvass voters, hardly anyone mentions the constitution. Instead, they want to talk about ‘bread and butter’ issues like jobs, the cost of living, the health service and their children's education – as well as more parochial concerns like parking and street-cleaning.

To a degree this is correct, of course. It's natural for people to be preoccupied by fundamental issues like having enough money for a decent life, and the expectation that public services will be of a certain standard. Yet it's disingenuous to suggest that ordinary people are neither affected by nor interested in constitutional issues. Last year a higher proportion of voters participated in the UK's EU referendum than in any General Election since 1992. What question could be more constitutionally focussed than whether the UK should be in or out of the European Union?

Throughout British history, constitutional questions have been closely linked to putting right material injustices. The Chartists, for example, had no doubt that improving the lot of ordinary people could not be split off from constitutional aims like extending the ballot. ‘Sovereignty’ may not in itself put food on the table, but the referendum Leave campaign was able to garner support by making the concept resonate with many who wouldn't, if asked, define it as a constitutional concern.

It was a sense of injustice that drove people to campaign for devolution in Scotland and Wales. And now, concerns over the EU (Withdrawal) Bill focus on what would be another injustice: a power-grab by the UK Government at the point of Brexit. Despite the establishment of a Scottish Parliament and a Welsh Assembly, there is a sense felt by many that the UK is not functioning well. Current arrangements are showing the strain, and the voices for change are getting louder.

Action to deliver reform will not take place automatically, however. The propensity for inertia must not be underestimated. We like to think of ourselves as living in a well-developed democracy, yet one of the UK Parliament's two Houses remains wholly unelected by the people and is composed entirely of individuals who are the beneficiaries of past or present patronage. This is hardly a good advertisement for British democracy, yet attempts to get rid of such a constitutional travesty have been a complete failure.

We can either bury our heads in the sand and pretend that things can carry on as they are – the approach largely adopted by the current UK Government. Or we can listen to those who put forward reasoned proposals for change. The suggestions to be found in this series of essays by a new, self-styled 'Gang of Four' are motivated by the desire to see greater fairness in the way we are governed. In this respect, they form part of a long and honourable tradition, and deserve to be taken seriously.

While the present UK Government will be reluctant to take any of the proposals forward, there are indications that a future Labour-led government would be open to examining the case for constitutional change.

These essays are helping to prepare the ground...

Towards Federalism and Beyond...



A discussion with Lord David Owen, Gwynoro Jones, Lord Elystan Morgan and Glyndwr Cennydd Jones

The extent of divergence within today's United Kingdom (UK) is particularly highlighted by the differentiated politics across the four nations, vigorous debates regarding the EU leaving negotiations, discussions on a second Scottish independence referendum and questions about the post-Brexit situation of the border between Northern Ireland and the Republic.

Glyndwr Cennydd Jones, opening, suggests: 'For Wales to continue on the present course is to accept constitutional uncertainty and political vulnerability as illustrated by last year's debates in Cardiff and London leading to the Wales Act 2017, as well as the process for triggering Article 50 in the UK Supreme Court. Devomax may rank as an attractive solution to some, but even this does not address the symptomatic ambiguity and complexity introduced by the general primacy of Westminster and the inherent challenges presented by the unitary state model itself. The situation is compounded by the disconcerting shadow of a potentially hard Brexit, enacted on all four nations, if the needs of all are not properly represented in negotiations.'

Lord Elystan Morgan elaborates: 'Despite the Devolution of the last two decades the UK today remains one of the most concentrated systems of parliamentary government in the democratic world.'

'Today's Wales Act is deeply flawed and is a blue print for failure, particularly because of the fact that there are about two hundred reservations—the very nature of which makes the matter a nonsense. Also, a good proportion of the reserved powers in the new Act have resided in Brussels, not Westminster, for many years. When these powers are repatriated as part of the Brexit negotiations, to where should they be returned? A joint body between Westminster and the devolved governments should be established to explore exactly how one can bring about a settlement that is fair, just and lasting.'

'For well over a century the debate as to whether a federal structure should be created has ebbed and flowed. All creative efforts, however, have floundered on the grim rock of fundamental disproportion. The fact that England has the vastly dominant share of the kingdom's wealth and 82% of its population creates an imbalance which makes any federal structure a daunting task. Indeed, only earlier this year I proposed an amendment to the then Wales Bill, obliging the Secretary of State for Wales to establish a working party on the issue of the possibilities of Dominion Status for Wales, as a land and nation, and to report to Parliament within 3 years. The Statute of Westminster 1931 did not create a rigid model of Dominion Status, but rather enunciated a principle of immense flexibility and subtleness.'

Gwynoro Jones asserts that: 'The Welsh Assembly has been hamstrung from the beginning and has been devoid of the freedom to act with effective powers. I do not blame Nicola Sturgeon for re-opening the conversation on support for independence in Scotland, nor Gordon Brown for suggesting a federal solution for Scotland in the UK. With the Brexit result I believe that the future lies, at the very least, in a self-governing Wales within a federal UK. We should use the repatriation of powers from the EU to establish a new federal state of equals.'

'However, I am becoming more convinced that an argument can be made for going further. Surely the last thing the people of Wales should settle for in years after Brexit, where maybe new constitutional arrangements are in place for Scotland, is for Wales to be just an annexe of England. Demographics and economic data should not any longer be the defining considerations. There are several nations in Europe with populations of similar size to Wales and many dozens more independent countries across the world.'

'We face new challenges in the coming decade where the old arguments and political stances as to the role and place of Wales as a land and nation will need to be rethought.'

Lord David Owen expands: 'Those of us who supported Brexit were doing so as part of a much wider agenda of restoring our very democracy which had been distorted by the false claim of post-modernism that the days of the nation-state were over. Far from being over, national identity, whether it be Scottish, Welsh, Irish or English deserves to be treasured as a binding force, not a divisive one. It all depends on whether we can find the correct balance. A Federal UK Council, modelled on the German Bundesrat, may achieve that balance.'

'I suggest a Federal UK Council of 68 members that should involve not only Scotland, Wales and Northern Ireland but also London and the new city regions with devolved

powers. Provision would also be made separately for those who live in areas covered by county councils and unitary authorities. No doubt some of these may wish to develop a regional identity which could lead to separate representation.'

'In light of the Brexit vote, Theresa May has convened talks involving the leaders of the devolved administrations. The Prime Minister could call together this same forum to start an initial dialogue on a Federal UK Council, involving defining terms of reference, participants, and the timing for reporting back from a convention. There are complex questions about what constitutes federal legislation and the nature of the mediation procedures between a Federal UK Council and the House of Commons, all much better agreed under a government-led convention.'

Lord Elystan Morgan explains: 'A second chamber or a Senate can carry a federal structure amongst units of disparate strengths and size given certain imaginative checks and balances. To this end I would personally advocate a Senate of 70 members for the four nations of the UK. I do not think that this is in anyway an impediment to the natural patriotism of any one of the four countries of the UK.'

Glyndwr Cennydd Jones underlines the point: 'There is a clear distinction between the existentialist and utilitarian views of self-government. The former demands more autonomy simply because of a belief that it is the natural right for nations, and the latter considering it as a path to a better society – to achieve the most effective political unit to secure the economic growth and social justice that people deserve.'

'On balance, the progressively sustainable model rests somewhere between a Federation and a League or Union of the Isles. In the crudest of terms, the former option has aspects of a safety net deployed with shared mechanisms for core functions and policy portfolios to support the realisation of economies of scale in delivery, and greater projection of joint interests across constituent nations and the world. The latter option allows for consensus building and negotiation between fully empowered member nations, but with some risk of competitive considerations and disputes holding-up relationships. We should not underestimate our shared concerns, as an island community, in defence, social mobility and trade for which an incline towards Federation would provide constitutional clarity, comfort and confidence.'

'If we are indeed approaching a crossroads of sorts in our island journey, a thorough discussion of the appropriate alternative models of governance is required through a Constitutional Convention...'

A Federal UK Council

by Lord David Owen



In the aftermath of the EU referendum result it is both logical and appropriate for political parties to seek to unite the United Kingdom (UK).

In a pamphlet published during November 2016 I proposed that, to this end, an all-party convention should be held on the establishment of a Federal UK Council, modelled on the German Bundesrat. I argue that running our exit from the EU in tandem with the creation of a Federal UK Council is both feasible and proper. Different people and different issues are involved, but they fit together. Postponing a Federal UK Council would be an error and risks missing a moment in history when the British people are well aware that our unity is in jeopardy and yet most want it to be maintained.

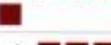
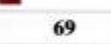
The German Bundesrat

I am convinced that if any convention is to be capable of attracting full SNP participation it needs a specific not a general mandate. This specific mandate should be to examine the possibility of establishing a Federal UK Council based on the model of the German Bundesrat. The Bundesrat has the advantage of being a proven mechanism designed to approve all legislation that affects Germany's 16 Länder (federal states), including constitutional changes.

The term 'federalism' is derived from the Latin word 'foedus', which can be translated as 'alliance' or 'treaty'. Federalism means forming a federal state and cooperating within the entity thus formed: several states enter into an alliance to form one single all-encompassing structure (i.e. federation, confederation), whilst to a certain extent maintaining their own characteristics as states (i.e. federal states, constituent states).

The Bundesrat's membership is drawn entirely from the executives (i.e. governments) of the Länder. Each state sends a delegation of between three and six members depending on population size (all have at least three members, those with populations of over two million have four, those with populations of over six million, five, and those with populations over seven million, six). The delegations are required to cast their votes as a block, even though there are often coalitions at state level so they are drawn from two or

more parties. Should members of a delegation cast different votes, then all of the votes of that state would be invalid.

	Land	Population	Votes	Coalition	Group ^a	Minister-president
	Baden-Württemberg	10,736,000	6 	Grüne and CDU	neutral	Winfried Kretschmann (Grüne)
	Bavaria	12,469,000	6 	CSU	Government	Horst Seehofer (CSU)
	Berlin	3,395,000	4 	SPD and CDU	Government	Michael Müller (SPD)
	Brandenburg	2,559,000	4 	SPD and DIE LINKE	neutral	Dietmar Woidke (SPD)
	Bremen	663,000	3 	SPD and Grüne	neutral	Carsten Sieling (SPD)
	Hamburg	1,744,000	3 	SPD and Grüne	neutral	Olaf Scholz (SPD)
	Hesse	6,092,000	5 	CDU and Grüne	neutral	Volker Bouffier (CDU)
	Mecklenburg-Vorpommern	1,707,000	3 	SPD and CDU	Government	Erwin Sellering (SPD)
	Lower Saxony	7,994,000	6 	SPD and Grüne	neutral	Stephan Weil (SPD)
	North Rhine-Westphalia	18,058,000	6 	SPD and Grüne	neutral	Hannelore Kraft (SPD)
	Rhineland-Palatinate	4,059,000	4 	SPD, FDP, and Grüne	neutral	Malu Dreyer (SPD)
	Saarland	1,050,000	3 	CDU and SPD	Government	Annegret Kramp-Karrenbauer (CDU)
	Saxony	4,274,000	4 	CDU and SPD	Government	Stanislaw Tillich (CDU)
	Saxony-Anhalt	2,470,000	4 	CDU, SPD, and Grüne	neutral	Reiner Haseloff (CDU)
	Schleswig-Holstein	2,833,000	4 	SPD, Grüne, and SSW	neutral	Torsten Albig (SPD)
	Thuringia	2,335,000	4 	DIE LINKE, SPD, and Grüne	neutral	Bodo Ramelow (DIE LINKE)
	Totals	82,438,000	69			

^a The Länder represented in the Bundesrat are usually summarised in three groups, depending on the parties represented in their government:

- Government: The Government of the Land consists only of parties represented in the federal government; the Land usually votes bills.
- Opposition: The Government of the Land consists only of parties not represented in the federal government; the Land usually opposes bills.
- Neutral: The Government of the Land consists of parties represented in the federal government and of parties not represented there; the Land usually abstains (which has the same effect as an opposing vote).

Source: Wikipedia

Most of the Bundesrat's work takes place in committee, with plenary sessions held only around once a month for the purpose of voting on legislation prepared in committee. The delegates themselves rarely attend committee meetings, with civil servants

appearing on their behalf instead. Approximately half of all bills – those which have a bearing on Länder interests – require the approval of the Bundesrat to become law (it can register its objection to other bills but not veto them). Where there is disagreement between the Bundestag and Bundesrat, bills are considered by a joint Mediation Committee composed of 16 members of the Bundestag (appointed in proportion to the size of the various party groups) and 16 members of the Bundesrat (one for each state).

Applying this model to the UK

A Federal UK Council should involve not only Scotland, Wales and Northern Ireland but also London and the new city regions with devolved powers. Provision would also be made separately for those who live in areas covered by county councils and unitary authorities. No doubt some of these may wish to develop a regional identity which could lead to separate representation. My proposed composition for a Federal UK Council can be seen in the table below:

Proposed Composition of a UK Federal Council		
Nations & Regions	Population	Votes
Scotland	5,373,000	6
Wales	3,099,086	6
Northern Ireland	1,851,621	6
Non-metropolitan councils/counties	21,079,726	6
Unitary Authorities	10,061,530	6
London	8,673,713	6
West Midlands	2,833,557	5
Greater Manchester	2,756,162	5
West Yorkshire	2,281,718	5
North East	1,957,152	4
Merseyside	1,524,558	4
South Yorkshire	1,374,655	3
Nottingham	1,124,749	3
Bristol	1,118,807	<u>3</u>
Total population:	65,110,034	68 members

This table has been amended since the pamphlet was first issued

Source: Office for National Statistics, *Population Estimates for UK, England and Wales, Scotland and Northern Ireland: Mid-2015*.

The boundaries chosen to represent the city regions in this table are the existing five and the proposed three combined metropolitan authorities (as of July 2015). The existing combined authorities are Greater Manchester, Liverpool/Merseyside, the North East, South Yorkshire and West Yorkshire. The proposed three are Bristol, Nottingham and the West Midlands. These eight regions (encompassing 51 local authorities) are home to

26 per cent of England's population, 25 per cent of England's jobs and 23 per cent of England's economic output.

That leaves unallocated to any regional grouping the remaining non-metropolitan authorities (county and borough councils) and unitary authorities with a population of 32,016,150. The Local Government Association has for many years represented those bodies to central government. Non-metropolitan authorities and unitary authorities would each be collectively represented by six votes in the Federal UK Council.

Gradually more regionally combined groups may emerge from these local authorities, but pure tidiness should not be used to pressure authorities into a change of status.

Many people in the UK are happy with their existing local government structure and this varied pattern can be accommodated within the asymmetry of the UK. These are only initial suggestions and would no doubt change as a result of wider debate and consultation.

At least until a Federal UK Council is well established I suggest retaining a non-elected House of Lords to scrutinise the legislation that does not concern federal interests. But since federal legislation will pass from the Lords to the Federal UK Council, the size of the Lords should be very substantially reduced, eventually to no more than 200 members. To achieve this, legislation would have to limit age and length of tenure. The Lords could be reduced in size by nearly three quarters without generating a huge controversy, and not impacting on support for a Federal UK Council. The House of Lords shared its space with the Law Lords for centuries until establishment of the Supreme Court in 2005. This dual functionality could be repeated, particularly if adaptation coincided with the renovation of the Palace of Westminster. While having its base in Westminster the Federal UK Council should also hold meetings in Belfast, Cardiff and Holyrood.

Next steps

In light of the Brexit vote Theresa May has convened talks involving the leaders of the devolved administrations. The Prime Minister could call together this same forum to start an initial dialogue on a Federal UK Council, encompassing the confirmation of terms of reference, the participants and the timing for reporting back from a convention. There are complex questions about what constitutes federal legislation and the nature of the mediation procedures between a Federal UK Council and the House of Commons, all much better agreed under a government-led convention.

If the Prime Minister herself does not embrace an all-party convention then the Labour Party and the SNP should forge an initial agreement during 2017, with the aim of building a cross-party convention capable of involving other parties to sit in 2018 or

2019. While it would be unfortunate not to have the assistance of Whitehall, the effects of this can be negated by the use of academics, thereby ensuring the quality of the convention. A broad based convention starting in January 2018 would still allow enough time to absorb the implications of any recommendations at party conferences in 2019.

Some will ask whether the SNP would be interested in negotiating a federal UK, or whether they are only interested in separation. The answer lies in a speech Nicola Sturgeon, then Deputy First Minister, made at Strathclyde University in 2012. She recorded how Neil MacCormick, the son of one of the SNP's founders and a distinguished academic at Edinburgh University, had distinguished between 'existentialist' and 'utilitarian' varieties of Scottish nationalism, the first demanding independence simply because that is what nations should have, and the second seeing it as a route to a better society. Sturgeon recognised that whilst some (by implication older) SNP members were existentialists, she was a utilitarian. For her 'the fact of nationhood or Scottish identity is not the motive force for independence ... nor do I believe that independence, however desirable, is essential for the preservation of our distinctive Scottish identity'. Sturgeon also said that Scotland had to focus on the 'most effective political and economic unit to achieve the economic growth and social justice that the Scottish people want'. On this basis Sturgeon can, at least, conceive of a progressive alliance in a convention establishing a better pragmatic way forward than Scottish separation from the UK. I hope that, after discussion and reflection, she and the SNP would at least consider a Bundesrat-like mechanism for the UK worth examining in depth with other parties in the UK.

What of Wales, the land of my father and mother? There are lessons to learn from the way its devolution settlement, which was only carried in a referendum by a minuscule majority in 1997 with Cardiff and Newport voting against, has developed and has now achieved wide popular appeal. The devolved National Assembly for Wales or Senedd has embedded itself into Welsh politics and culture, developing a distinct Welsh political will that has not previously surfaced in Wales since the early Middle Ages in the days of Hywel Dda. Wales showed its new image in rejecting Labour's advice over the UK referendum and, in contrast to Scotland, voting strongly for Brexit, except in Cardiff, the Vale of Glamorgan and in Y Fro Cymraeg where most people speak the Welsh language.

The EU referendum has not increased public enthusiasm for referendums and recently held referendums, particularly the 2011 AV referendum, have shown how referendums can be manipulated. Labour will need to consider how to win support for a Federal UK Council from some of the smaller UK parties, not only the SNP. A limited seat deal to help the Liberal Democrats and Greens in England, and Plaid Cymru in Wales, should

be considered. The widest possible group of parties will help create a national mood of reform as it did for the Liberal Party in the 1906 General Election when they offered seats to assist Labour.

Concluding thought

Those of us who supported Brexit were doing so as part of a much wider agenda of restoring our very democracy which had been distorted by the false claim of post-modernism that the days of the nation-state were over. Far from being over, the quiet unobtrusive patriotism of Clement Attlee has become recognised for what it was, a proper assertion of an identity and that national identity, whether it be Scottish, Welsh, Irish or English deserves to be treasured as a binding force, not a divisive one. It all depends on whether we can find the correct balance. A Federal UK Council, modelled on the German Bundesrat, may help achieve that balance.

To read Lord David Owen's pamphlet titled 'A Federal UK Council' see:

<http://www.lorddavidowen.co.uk/wp-content/uploads/2016/11/A-federal-UK-Council-2.pdf>

Advantages and disadvantages of federalism

The following extract has been selectively taken from the Bundesrat's own explanatory document: Dr Konrad Reuter, The Bundesrat and the federal state system. The Federal Council of the Federal Republic of Germany. Bundesrat PR, ISBN 3-923709-32-4

Advantages of the federal state system compared with the unitary state:

- *Power-sharing:* In a federation, the classical horizontal division of powers (legislative - executive – judicial) is complemented by a vertical division of powers between the state as a whole and the individual constituent states. Powersharing means control of how power is used and protection against abuse of this power.
- *More democracy:* The sub-division into smaller political units makes it easier to grasp and comprehend the actions taken by the state, thus fostering active participation and co-determination. In addition, voters can exercise the fundamental democratic right to vote and thus to participate in decisions on two fronts, for in a federal state there are elections both to the central parliament and to the parliaments of the constituent states.
- *Leadership opportunities:* Political parties enjoy greater opportunities and competition between them is promoted, as minority parties at national level can nonetheless take on political responsibility in the individual states making up the federation. This offers them a chance to test and demonstrate their leadership skills and overall performance.
- *Closer to the issues:* In a federation public bodies are closer to regional problems than in a unitary state. There are no far-flung 'forgotten' provinces.
- *Closer to people:* The federal state brings state structures much closer to the general public. Politicians and public authorities are much more accessible than in a unitary state that

concentrates power in an anonymous, distant centre.

- *Competition*: The constituent states always automatically compete with each other. Competition has a stimulating effect. Exchanges of experience foster progress and serve as a safeguard, ensuring that any mistakes are not repeated across the whole country.
- *Sound balance*: Mutual checks and balances, coupled with respect for each other and a need to reach compromises make it more difficult, if not well-nigh impossible, to adopt extreme stances. As federalism strikes a fair balance, it also has a stabilising effect.
- *Diversity*: The division of the country into federal states or Länder ensures that a whole host of economic, political and cultural centres can exist. That offers greater scope to preserve and develop regional customs, as well as the specific historical, economic and cultural characteristics of an area. This diversity can give rise to greater freedom.

Ultimately these arguments in favour of federalism prove to be advantages for each individual citizen. Whilst the federal system may certainly have disadvantages too, these benefits clearly outweigh the drawbacks.

Disadvantages of the federal state system compared with the unitary state:

- *Lack of uniformity*: The federal states' autonomy automatically leads to differences. Diversity is the opposite of uniformity. This can cause difficulties, for example, for school children if their family moves to another federal state.
- *Complicated*: As there are many decision-making centres in the Federal Republic of Germany, the division of powers between the Federation and the federal states means the various tiers of state must work together, show consideration, exercise mutual oversight and also respect the limits of each part of the federal structure. The ensuing intermeshing of state activities is thus complex and can be hard for the general public to understand.
- *Time-consuming*: Parliaments, governments and the public administrations of the Federation and the Länder have to wait for input, decisions or consent from other tiers of state, as well as engaging in lengthy negotiations with each other to reach a consensus. This can also be highly time-consuming.
- *Expensive*: Generally speaking, the cost of maintaining distinct parliaments, governments and public administrations at the Federation and federal state level is considered to be more expensive than running the corresponding institutions in a unitary state. It is debatable whether this assumption is correct, for it would be impossible to simply dispense with institutions in the federal states by adopting a unitary state system. Various federal bodies would certainly have to grow accordingly and it is not clear that centralized mammoth authorities would really be cheaper in the final analysis.

The countries in the following list are all federal states, as stipulated in their constitutions: Canada, the USA, Mexico, Brazil, Argentina, Australia, India, Russia, Austria, Belgium and Switzerland. Even such traditionally centralistic states as France, Spain and Italy have shifted to 'regionalising' their countries, which, although it does not constitute federalism, is nonetheless a step in that direction.

It's time to move towards a real Senedd

by Gwynoro Jones



The questions on the future of the UK Union have been gathering a strong head of steam over the last three years. Discussions had particularly 'kicked-off' following the outcome of the Scottish Referendum in September 2014, and the promises made by the then Prime Minister, David Cameron, as well as leaders of the Labour and Liberal Democrat parties to devolve further powers to the Scottish Parliament in Holyrood. These, more or less, have been now enacted. Then there was the Wales Act 2017 which caused a significant amount of controversy, particularly in relation to the reserved powers aspect and defeats in the House of Lords over amendments that would have transferred responsibilities concerning transport, policing, broadcasting and water to the Senedd.

Intermixed with these issues have been the 2015 General Election and the EU Referendum of 2016. Both of which, for differing reasons, provided unexpected results, with the latter leading to the resignation of David Cameron and the emergence of Theresa May as Prime Minister. The outcome of the EU Referendum particularly focussed the minds of devolutionists, federalists, and many in favour of independence alike, on potential future governance models for the UK Union, or even its prospects for survival, with several significantly thorny Brexit issues appearing centre stage. These included the High/Supreme Court hearings and the enactment of Article 50.

Many powerful voices joined the constitutional debate at this time, most notably the First Minister of Wales Carwyn Jones, the former Prime Minister Gordon Brown, the much experienced Lord David Owen and, a long time supporter of a powerful Welsh Parliament, Lord Elystan Morgan. The momentum was such that the Labour Party came out strongly in favour of a Constitutional Convention, as witnessed by an event held at the Wales Governance Centre, Cardiff in late-March 2017. Additionally, Jeremy Corbyn spoke in support of a Convention at the Scottish Labour Party Conference in February 2017 and has reaffirmed his stance more recently.

In Wales, an emerging non-partisan and all party group called Yes Cymru produced a booklet on Welsh independence. I was pleased to have been asked to speak at three of their rallies in Carmarthen, Cardiff and Swansea over the last year or so.

Then, in spring 2017, the Prime Minister whilst breathing the beautifully rarefied mountain air of Snowdonia one weekend, emerged in London on the Monday morning to announce a snap General Election – despite having promised publicly on at least five occasions not to do such a thing. Theresa May was enticed by an opportunistic calculation, founded on a lead of 20 percentage points in the polls, a seemingly dysfunctional Jeremy Corbyn, and a considerably weakened Liberal Democrat party. Indeed for several months prior to early-May 2017, it was forecasted that the Conservatives would have a 100-seat plus majority in Westminster following any snap election, with the Labour party annihilated. Also, in late-April 2017, a sensational poll conducted by YouGov for ITV and Cardiff University projected the Tories as winning 20 Westminster seats in Wales, Labour 16, Plaid Cymru 3 and Liberal Democrats 1. The lure of temptation was far too great for our Prime Minister to ignore.

So after a century of Labour hegemony in Wales, it looked for a few weeks during spring 2017 that we were heading towards a political earthquake of serious magnitude in nature, which would have been an enormous culture shock to the body politic of this country. But as Harold Wilson often used to say, ‘a week is a long time in politics,’ or to quote Harold Macmillan when asked about what shapes political fates, ‘events dear boy, events.’

Without recounting the full extent of the fateful events that transpired, the ‘strong and stable’ Theresa turned out to be ‘weak and feeble’ whilst the seemingly ineffective Jeremy became transformed with substantial crowds attending his rallies. I had not witnessed such gatherings since the 1950s when politicians like Aneurin Bevan spoke in public. Theresa May’s performance was the poorest, if not the most disastrous, by any Tory leader in my memory, other than Sir Alec Douglas Home in 1963 and William Hague in 2001. Jeremy Corbyn on the other hand was a revelation, a man inspired, totally renewed from the inept and ineffective performer he had been at Prime Minister’s questions time over the preceding year. He was in his element as a superb campaigner, attracting unprecedented numbers of people to his meetings, wherever held across the country. Incidents such as the Conservative manifesto debacle and the appalling terrorist attacks also played a part in forming the electorate’s views.

The final outcome was effectively a hung Parliament until the Tories were saved by the Northern Ireland Democratic Unionist Party. Now the headlines and sub-plots of that election is testing the commitment, determination and mettle of all devolutionists, federalists and other interested stakeholders engaged in the UK constitutional debate.

In the lead-up to that General Election, during early-May 2017, an opinion poll was conducted by YouGov for Yes Cymru on the question of independence for Wales. It

articulated a staggering result which was absolutely unexpected in substance, and quite probably unwelcome in many political circles. The findings received little publicity at the time, being lost and buried in the 'hurly burly' of the ongoing UK election campaign.

This poll painted a political picture that went against all opinion and public attitude surveys in Wales since establishment of the Welsh Assembly (Senedd) in 1999. As brief background, in the last two decades, backing for independence has registered between 3% and 6% on average. In fact, the annual BBC Wales poll conducted in March 2017 by ICM revealed the following levels of forecasted support for various scenarios of Welsh governance— independence at 6%; increased Senedd powers 44%; same powers 29%; fewer powers 3%; and abolishing the Senedd 13%.

However, this survey of 1000 respondents – which incidentally is the usual sample size for opinion polling – conducted by YouGov on behalf of Yes Cymru, and published in May 2017, showed that 26% of the Welsh population favoured independence, with the percentage increasing to 33% if the then predicted Conservative majority actually materialised! Labour voters turned out to be relatively supportive of independence. Plaid Cymru voters, as expected, were too. But more importantly, the 18 to 49 age groups were found sympathetic to the prospect, which raises real questions about the future status of Wales within the UK. On removing, from the calculations, those respondents who registered as being undecided, the poll identified 47% of Labour voters backing independence (of which 23% were strongly in favour); 64% Plaid Cymru; 33% Lib Dems; 15% Conservatives; and 18% UKIP.

Two other interesting observations were highlighted. The first was that 28% of Plaid Cymru voters were against independence. The second concerned that middle band of party supporters whose vote might be 'up for grabs' during any referendum campaign on the issue, with their extent ranging from 8% for both Labour and Plaid Cymru to 18% of Lib Dems.

So, post-General Election 2017, where are we in relation to exploring the future of the UK Union? Will the progressive forces now unite to move the agenda forward? At the heart of this debate is the question of what will Labour do? Any major constitutional reform cannot happen without its serious involvement and active participation in discussions. Brexit and the EU (Withdrawal) Bill, unless radically amended, will have significant implications for the present devolution settlement. One area of particular concern to Belfast, Cardiff and Edinburgh is what will happen to those powers and responsibilities now delegated from Brussels, through Westminster, to the devolved administrations on matters such as agriculture and rural affairs. Will they be taken back up the chain to London in time thus completely undermining the arrangements in place?

Here in Wales we have an added matter to contend with, and that is the manner in which Wales is perceived and reported through the media – not only across the UK but especially in our own backyard. Many commentators have written extensively about the impact of the ‘information deficit’ existing due to the inadequate news coverage of Welsh issues in our media, and the ensuing challenges faced. For instance, the level of reported interest shown in Wales for the 2016 EU Referendum (82%) was considerably higher than that for the 2016 Senedd election (59%), both of which were held only a month apart. Without doubt, one of the major reasons for this difference was the nature and content of news reporting in Wales, including which sectors of that medium predominate in our country. When tuning into the latest UK political news, its substance is often entirely focused on events surrounding the Westminster ‘village.’ This, of course, is quite natural, but unfortunately during times of devolved elections in Wales, Scotland and Northern Ireland, such an intense preponderance and saturation of Westminster information, clearly impacts on people’s exposure to the key campaign issues and political choices presented closer to home.

Put straightforwardly, the people of Wales are not regularly exposed to informed news coverage centring on Senedd matters. One of the most striking findings of survey data published by the Audit Bureau of Circulations (ABC) in 2015 was the significantly low number of Welsh people identified as frequently reading a newspaper produced in Wales – 5% or fewer. Today, the Western Mail disseminates the most comprehensive handling of Senedd matters, but the ABC survey revealed that fewer than 4% regularly read the paper. Further, when respondents were asked to name their main newspaper, only 1% selected The Western Mail. The Daily Mail, by contrast, is almost ten times more likely to be acknowledged as the main daily read, being consumed habitually by four times more people in Wales than The Western Mail.

Broadcasters in Wales, on the other hand, reach a far greater proportion of the population than newspapers. BBC Wales Today is the most widely followed – 37% of people frequently tune in – whilst 17% and 13% regularly follow ITV Wales Tonight and BBC Radio Wales respectively. However, UK-wide programmes are still the main source of reference for news consumption in Wales, with the ABC survey identifying The BBC News at Six or Ten as viewed by nearly 37% of respondents, whilst 30% follow the BBC News channel. ITV’s Evening News or News at Ten, and Sky News are watched less often – 11% and 13% respectively – but still rank as key sources of information relative to coverage produced in Wales. Other regular daily or weekly productions such as Daily Politics, Newsnight, Panorama, Question Time, and the like, compound the situation further in terms of ‘swamping’ any reports delivered through indigenously created programmes.

I have recently come across additional data from the ABC revealing an ever-continuing reduction in the readership of local weekly newspapers and regional dailies. Local weekly newspapers in the UK lost print circulation by an average of 11.2%, year on year, during the second half of 2016. The figures suggest a quickening in the pace of print decline, possibly fuelled by cover price rises, editorial cutbacks and the readership moving to online sources. A redeeming feature is that nearly every regional newspaper website audited by the ABC recorded strong growth in the second half of 2016.

As already mentioned, in late-March 2017, the First Minister of Wales Carwyn Jones AM, the former Prime Minister Gordon Brown, and ex-Deputy Prime Minister Lord John Prescott came together to discuss the future of the UK Union in an event held at the Wales Governance Centre in Cardiff. It was an occasion that I was keen to attend for many reasons, including political and personal. One of my first tasks when appointed Research and Public Relations Officer for the Labour Party in Wales during 1969 was to Chair a working group charged to develop the party's policy towards devolution. Together with Emrys Jones and Gwyn Morgan I jointly prepared the party's evidence to the Crowther/ Kilbrandon Commission on the UK Constitution. In fact, the content of our submission essentially described a forerunner of the Welsh Assembly, which was established some 30 years or so after the Carmarthen by-election of 1966, and following 8 General Elections and 2 devolution referenda in the intervening time.

Whatever one's view is of the Blair Governments, it was his administrations that moved forward considerably the devolution agenda for Wales, Scotland and Northern Ireland. Nevertheless, since the creation of the Senedd it appears that the Welsh Labour party has been contented to accept its 'divine right' as the 'natural' party of Government in Wales, albeit if they have had to rely on the support of the Lib Dems for one period and Plaid Cymru for another. Plaid, on its part, has seemingly settled for that limited degree of devolution. Meanwhile, the Conservatives, who had previously only fared occasionally well during Westminster elections in Wales, such as in 1983 and 1992, have found themselves with a sizeable voice in administering the country. Politics is unpredictable because it could be said that the party which has benefited most from the establishment of the Senedd is the Conservatives – the very party which opposed it!

So, does Wales still have a radical electorate today? To what extent does the country actually mirror England and, if so, what has caused this to be the case? Immigration, over decades, from other parts of the UK has no doubt influenced movements in the political landscape, but its extent and impact is deeper than realised. Labour and Plaid Cymru, in particular, have been found 'sleeping on watch.' Their inaction, or inertia, has resulted in a significant 'hidden Tory' component to Welsh politics by now. But the challenges do not end there. Labour is viewed as having neglected its traditional

working class areas, with its once, rock solid, loyal support going 'on the move' during the 2016 Senedd election – not to Plaid or Lib Dems, but rather to UKIP!

The economic and industrial structure of Wales has altered significantly in the last quarter of a century, as has the country's demography – with 30% of the people living in today's Wales born elsewhere. Indeed, in parts of north-east Wales, the proportion is nearer 50%, and almost 40% in the 'Welsh heartland.' Further, 48% of people living in today's Wales reside within 25 miles of Offa's Dyke, with 140,000 crossing that border each day for work purposes. The equivalent statistics for Scotland is 4% dwelling within 25 miles of the English border with some 30,000 traversing it daily.

Coinciding with this changing demographic and economic picture, there has been a notable shift in the political composition of the country's electorate too – nearly 35% of whom favoured centre-right parties in 2016. The growth of UKIP in Wales is hard to accept – a party with its roots firmly grounded in England. However, this development should not really be a surprise when considering the make-up of our news consumption.

The final warning signal for me was the actuality that Wales voted to leave the EU – the very country that has benefited the most from being part of it. Our agriculture, rural economies, tourism, education and business sectors have received considerable investment from Europe, especially less prosperous geographic areas. With England and Wales (albeit by a majority of no bigger than a crowd that fills the Principality Stadium on international day) voting to leave the EU, and Scotland along with Northern Ireland favouring remain, significant constitutional questions for the UK are emerging. Wales has to be careful that it does not simply become an annexe of England in time, possibly in a scenario where Scotland has renegotiated its relationship with the Union, and a new framework is settled and implemented for the island of Ireland.

So we live in tumultuous times with substantial uncertainties, but also opportunities. Wales and its politicians must be vigilant. It cannot be a case of 'steady as she goes' any longer. As a people we need to think long and hard about the future direction of the Union, planning for all eventualities. I have not always been a fan of how successive Welsh governments have conducted themselves. Nor have I ever been an admirer of the Senedd's quality of debates both in standard and substance. The truth is that the Senedd has been hamstrung from the beginning, being devoid of the freedom to act with the effective powers granted the Scottish Parliament. However, those of us who believe in a stronger and more confident, self-governing Wales must advocate that vision more vociferously now than ever.

With the Brexit result, I am convinced that the future lies, at the very least, in a self-governing Wales within a Federal UK, but I also increasingly accept that a strong argument can be made for going even further. The reality of today is that 20 years of devolution has made little difference to Wales's economic standing within the UK. Our country is near to bottom of the league on several socio-economic indicators.

Out of 235 countries in the world, some 130 of them have populations of around 7 million and under. Of these countries, 100 have fewer than 4 million people and the vast majority are smaller than Wales. Further, 11 of the countries of the 27 in the EU have populations of approximately 5 million or less. 7 of the 11 have fewer people than Wales. In the modern financial, service and technological age, as opposed to the era of heavy industries and large scale manufacturing, the question of a country's size is no longer a deciding factor in terms of deliberating governance models.

For decades, too many politicians have argued that Wales is either too small or cannot afford to go it alone, markedly because the country would run a significant budget deficit. But so does the UK, with a deficit of some £100 billion a year, carrying a debt of £1.83 trillion. Indeed, a proportion of the £14 billion claimed to be Wales's presently projected deficit is our share of the money spent on large UK projects such as HS2 and defence (e.g. Trident). What more, revealingly, only about 50 of the world's 235 nation-states actually run a budget surplus!

Therefore, is there now the political will to advance the national debate on the future of the UK Union?

Will the Labour party re-gather its forces for change and pursue the matter of a Constitutional Convention and a Federal UK? Or has the satisfaction of recently winning an additional 36 seats at Westminster, securing continued control over Wales and achieving a limited but important comeback in Scotland dampened their enthusiasm for reform? The SNP stance for Scotland is broadly clear, but what of Plaid Cymru's vision for Wales in the next few years? The Brexit situation has already brought into sharp focus the vexed question of the long-term framework for the island of Ireland. Will the Conservatives ultimately accept that they may need to make a strategic compromise on the constitutional question to prevent more serious disunity? Then what of the Liberal Democrats, the party of 'Home Rule' with its antecedents stretching back a hundred years? Will they actually manage for once to discuss constitutional change at their conference? In the days of the SDP/Liberal Alliance of the 1980s it was forever on the agenda. I made certain of that.

It is time to move towards a real 'Senedd' for Wales...

Think big when representing the future of Wales by Lord Elystan Morgan



In order to preserve the unity of the United Kingdom (UK), the reality of devolution and the harmony between the various constituent nations of the UK, respect should be shown by the mother parliament in Westminster to the parliaments of Wales, Scotland and Northern Ireland. Indeed, those are key political and social considerations.

The matter that I wish to discuss is in no way contrary to that, but runs parallel. It is a marvellously simple constitutional point, and I think I can deal with it in very short compass. It concerns the reserved powers constitution that Wales achieved under the recent Wales Act 2017, which became law earlier this year. The purpose of that Act was to change the whole pattern of devolution for Wales from a conferred model—a confetti type of approach in place from 1964 onwards, when Wales achieved its Secretary of State—to a reserved powers constitution.

However, it is axiomatic as far as a reserved powers constitution is concerned that two matters should be dominant in its establishment. The essence of a reserved powers constitution, as we appreciate, is that there is a transfer in the first instance of the totality of power from the mother parliament to the subsidiary parliament, but that at the same time there should be a reservation of a strict number of exceptions and reservations. It is axiomatic, therefore, that two conditions must prevail. First, the mother parliament must be seized of all the legislative power and authority that is relevant to the situation. That is obvious. Secondly, the mother parliament must be cognisant of the powers that it has, and must be in a position to know exactly where to draw the line between that which is transferred and that which is reserved. Neither of those conditions exists in this case.

Why is that so? I remember a piece of dog Latin that I learned many years ago when I was a law student in relation to the sale of goods: 'nemo dat quod non habet'—no man can give that which he does not have. Or ...nobody can transfer that which they do not hold! When it came to the question of deciding what powers Wales should have in the initial devolution settlement, the mother parliament did not have a mass of those powers relevant to the situation. There is a huge body of authority that is missing. Proportionally, it may be 25%; it may be 30% or 40%. Nevertheless, it is massive in

relation to the totality of legal responsibility. That authority was missing from 1st January 1973, ever since the European Communities Act 1972 came into force which ruled with regard to a very considerable swathe of competences in the UK.

Many powers were never with the mother parliament in Westminster to dispose of. It could not possibly give them to Wales or to Scotland for that matter—in Northern Ireland, the situation was entirely different, because its constitution goes back to 1922. The central concept of a reserved constitution is the idea that the mother parliament has ‘on the table,’ as it were, the totality of powers that are available and relevant in the situation, and that the mother parliament looks upon those powers and says, ‘This is all that we have. This is where we draw the dividing line between the totality that is transferred and that small remnant that is retained and reserved.’

Therefore, the current Brexit negotiations will impact greatly on the Wales Act 2017. Since a good proportion of powers have historically resided in Brussels there is a real risk that these will be repatriated, of course, neither to Wales nor to Scotland but indeed, to Westminster. We must ensure a settlement that is fair, just and lasting.

What is to be done? The following matters have some relevance, broadly. Of course, there is the question of the Sewel convention, which has been written into both the Scotland Act and Wales Act. That will have its effect gradually over the years. There is also the question of the joint ministerial committee, which meets in confidence and is able to discuss, in a situation of total secrecy, matters that are of the utmost importance to the mother parliament and the devolved parliaments. There is also the question of protocols, which were greatly promised in the late-1990s when legislation relating to Scottish and Welsh devolution went through, but have since been as ‘dead as the dodo,’ I am afraid, and must be revived.

That is why I have proposed that the Prime Minister and the First Minister for Wales should be responsible for forming a body that will look carefully at the situation to determine:

- firstly, what is the scope of legislative authority that is missing here?
- secondly, what is the nature of that authority?
- thirdly, what entrenched rights—what established rights—have come into being in relation to that since January 1973?
- lastly, what situations exist where there has been legislation under the 1972 Act which has been deemed to be incompatible with the European instruments?

Many people will say that all this is not necessary and that Wales, from Cardiff, and the Westminster Parliament can negotiate at arm’s length. I do not believe for a moment that

that is feasible. We have seen exactly, over the past year, when dealing with the Wales Bill how almost impossible it was to persuade the Westminster parliament that much of what had been reserved was utterly trivial and an insult to the Welsh nation. Things such as sharp knives, axes, dogs, licensing, prostitution, hovercraft – all those matters which scream for domestic consideration – have now been reserved!

So, putting Brexit aside, how did we get to this rather awkward point?

In July 2014 the Supreme Court, presided over by the Lord Chief Justice Lord Thomas of Cwmgiedd, was required to decide upon the crucial issue of exactly where the boundary lay between Westminster and Cardiff in relation to devolution. The matter before the court was the desire of the Welsh Assembly to pass its own legislation relating to the wages of agricultural workers in Wales. The case for the Westminster government, presented by the then Attorney General, was essentially that a decision as to wages belonged classically to the field of employment. The Supreme Court found differently and said that whenever there was in any one of the twenty fields of devolved authority an intention to transfer substantial powers to Wales, then unless there was a specific exemption to that effect, all other powers belonged to the Welsh Assembly. This is what the Supreme Court called the 'silent transfer'. The consequence of the ruling was particularly mindboggling in that:

- It was clear that huge areas (hitherto 'silent') had in fact been unwittingly transferred to the Welsh Assembly
- In many other areas there could have been no certainty that matters had not in fact been transferred.

Much of the controversy surrounding the Wales Act emanates directly from that uncertainty described. The Act is deeply flawed and is a blue print for failure and disaster, particularly because of the fact that there are about 200 reservations—the very nature of which makes the matter a nonsense. When you deal with a long period of transferring small powers, day in day out, coming from hundreds of different sources, you create a situation that almost guarantees some constitutional neurosis on the part of many generations of Welsh lawyers. Avoiding that would be utterly worthwhile. There has to be some mutual trust and a sense of balance. If the Westminster parliament refuses to accept that, then the whole moral geometry of the situation is affected.

One could suggest that there has been a permafrost of attitude towards Welsh devolution from the beginning. I believe that it has a lot to do with the fact that Wales was England's first colony. When thinking of many of those reservations in the Wales Act, can you imagine the Colonial Office of the UK some 70 years ago, particularly when

Jim Griffiths was head of that department, approaching a British Caribbean or African colony and stating: 'These are the trivial reservations I demand of you?'

Dominion status is not about a rigid pattern of government. The principle is enunciated in the Statute of Westminster 1931 and has developed politically over 85 years thereafter. Obviously one is not speaking of a replica of the constitutional situation of New Zealand or Australia, but specifically of Dominion status in the context of Wales and these isles. It is an open secret that about 10 years ago the governments of the UK and that of Spain almost came to an understanding – this is hardly believable – about the future of Gibraltar, with a plan for some form of Dominion status as a solution. In other words the concept is so flexible, so malleable and so adaptable that it was possible for those ancient conflicts surrounding that important rock, which guards access to the Mediterranean Sea, to come very near to a friendly settlement. There are endless possibilities that can be considered.

At this point I am tempted to mischievously highlight that for many centuries Wales was indeed a Dominion of the UK in law. The actual wording of the Act of Union 1536 refers to the: 'Dominion, principality and country of Wales!'

So, as I proposed when the then Wales Bill undertook its passage through the House of Lords, the Secretary of State for Wales should be responsible for establishing a working party to report to Parliament as to the operation of the reserved powers retained by Westminster, particularly those matters which can properly be regarded as belonging to the province of the devolved parliaments. The function of the working party would be to winnow out the dozens of trivial matters whose inclusion in the reserved powers list is an affront to Welsh nationhood, which are the cobwebs of colonialism and would never have been considered in the 1950s in the context of a British colony in the Caribbean or Africa. I venture to think that this is of the most crucial importance to the Welsh devolution settlement in that it seeks to correct a fatal flaw in the heart and cornel of that settlement.

The concept of devolution which inevitably espouses principles of domestic rule and subsidiarity inevitably rests fundamentally upon the acceptance of what I would call the watershed of justice and reason. This is no more and no less than an acceptance that while certain matters belong inevitably to the mother Parliament (Westminster), such as succession to the Crown, Defence and Foreign Policy, the vast bulk of the remainder are matters which palpably belong to the jurisdiction of the devolved parliament (the Welsh Assembly). A denial of this watershed is both an affront to common sense but a betrayal and devaluation of devolution. This is exactly what the Wales Act creates in Wales when

functions such as liquor licensing (devolved to Wales in 1881) and the organisation of charitable collections are set amongst the now reserved powers.

I would expect the proposed working party to report to represent the broadest interests in Wales, both politically and socially. If the Secretary of State wishes to have a working party 'off the shelf,' as it were, he could do no better than invite the Silk Committee to sit again, remembering that this distinguished body which represented all political opinions has reported twice, unanimously and constructively, upon Welsh devolution.

Also, concurrently, a study should be advanced on the future possibilities for Wales as a land and nation, and of constitutional advancement within the terms of and consistent with the principles of the Statute of Westminster 1931, and developments thereafter. Despite the devolution of the last two decades, the UK today remains one of the most concentrated systems of parliamentary government in the democratic world. There is a desperate need for a UK-wide Constitutional Convention, with the involvement of all political parties and elements of British society, to discuss the future of the Union, particularly in the context of Brexit.

For well over a century the debate as to whether a federal, or similar, structure should be created has ebbed and flowed. All creative efforts, however, have floundered on the grim rock of fundamental disproportion. The fact that England has the vastly dominant share of the kingdom's wealth and 82% of its population creates an imbalance which makes any federal structure a daunting task. But whilst this is true in relation to the composition of the House of Commons, why should we not consider whether a restructured, elected House of Lords could form part of the solution?

The House of Lords owes its origins to a dominant caste of nobles and aristocracy. In Saxon times they sent their representatives to the Witenagemot – the Council of Wise Men to advise their King. From that there developed the concept of government as 'the shining ladder'. At its top was the monarch answerable only to Almighty God. Immediately below was the House of Lords. Many centuries later, and then countless degrees lower, came the early House of Commons. When the will of the elected House of Commons encountered a brutal and existential clash with the unelected Lords in 1911, thanks to Lloyd George, the Parliament of that year guaranteed that the Commons would have its way – but subject to a delaying process.

This historic legislation, however great its impact at the time, was seen by many as a constitutional stop gap. The preamble to the 1911 Act of Parliament speaks of a more representative form of government. Many interpreted this back then as referring to an elected Second Chamber. Yet over a century later, despite the culling of hereditary peers to a low level of 92 members, the second chamber remains unelected by the public at

large. Although the 1958 Life Peerage Act has provided for a wider representation of members in social and gender terms. Could not an elected House of Lords (suitably renamed the Senate) be such a federal body?

I believe the clue lies across the Atlantic. In the USA the lower house of Congress (the House of Representatives) has its members elected in proportion to population, but in the second chamber (the Senate) a different system is resorted to. Each state irrespective of its economic strength or its population has two senators. Thus the tiny population of Rhode Island has the same number of senators as California and Texas. It is a model of the enlightened and chivalrous majority towards the minority.

So a second chamber (the Senate) can carry a federal structure amongst units of disparate strengths and size given certain imaginative checks and balances. I would personally advocate a Senate of some 70 members each for the four nations of the UK. Their numbers could be topped up by 10 elected members from each of the devolved bodies and 10 representatives from the House of Commons. This federal elected Senate would have all the powers of scrutiny and examination enjoyed as present, but with broader powers to delay legislation (including regulations), albeit for a period of months rather than a year. Surely such a plan points the way forward to a more progressive Parliamentary future as a starting point?

I appreciate that this does not deal with the bountiful problems of regional devolution in England. But the background created could not be anything other than beneficial for such a principle. I will not touch upon the slogan EVEL (English Votes for English Laws) because I believe its whole campaign is ill founded. If one deducts from the 650 members of the House of Commons those Members of Parliament (MPs) that are not from England, then one is still left with a huge majority of English members. They have never been defeated on the floor of the Commons by the Celtic fringes nor, as far as I know, in any Bill Committee during modern times. Therefore England has nothing to fear.

However, I would like to touch again on the matter of Dominion status which was conferred on Canada, Australia, New Zealand and South Africa. Although there was no formal definition of it, the Imperial Conference of 1926 described Great Britain and the Dominions as 'autonomous communities within the British Empire, equal in status, in no way subordinate to one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations.' So the Statute of Westminster 1931 did not create a rigid model of Dominion status but rather enunciated a principle of immense flexibility and subtleness. The present situation in the UK is of total flux and it is

therefore incumbent upon us all to consider the many possibilities existing, as who knows what the circumstances will be in five to ten years' time from now?

I conceive of nationalism in the context of Wales as being a patriotism that knows no hatred of any other nation. That is what Welsh nationhood and Welsh nationalism at their very best should be and are. My appeal is when we are thinking of the future of Wales is to think big. If you think big, you will achieve something worthwhile; if you think small, what you will achieve will be insubstantial and inevitably lesser than what you set out to accomplish. For far too long we have begged for the crumbs of devolution, and it is now highly necessary that we should raise our expectations to be worthy of our position as a mature national entity, whether it be embarking on a journey through models of federalism, confederalism or Dominion status. That is the situation confronting us in 2017.

After being involved with the devolution issue over many decades, I am rapidly coming to the conclusion that Wales is being mercilessly short changed over devolution. This assertion rests upon two incontrovertible pieces of evidence. The first was the willingness on the part of Her Majesty's Government to contemplate nearly 200 reservations, most which were so childish and trivial as to give the lie to any sincerity concerning a reserved constitution. The second was the willingness to pretend that a lasting and long-term settlement of the division of authority between Westminster and Cardiff could even be contemplated, whilst the very substantial proportion of that authority was not in the gift of the Government, but was ensconced in Brussels.

There is therefore a ringing challenge to Welsh political representatives, both in Westminster and Cardiff, to demand a more equitable approach on the part of the Government to the fundamental rights of Wales as a land and nation. Failure to act in this way would be a signal of disloyalty to the people of Wales.

A Federation or League of the Isles?

by Glyndwr Cennydd Jones



The United Kingdom (UK) is governed as a unitary state comprising England, Northern Ireland, Scotland and Wales, all of which are intrinsically linked culturally and historically in modern times through shared industrial, political and international experiences.

Devolution, as introduced in the late-1990s, aimed to address a measure of perceptible disenchantment across the isles due to unease with over-centralisation whilst retaining sovereignty in the hands of the Westminster parliament. Subsequent electoral majorities in Westminster, coalitions and the present supply and confidence agreement have challenged the governments in Belfast, Cardiff and Edinburgh with the twin prospects of constitutional uncertainty and political vulnerability. The latter specifically complicates power sharing at Stormont and generally raises questions about the fair distribution of funding. The finance secretaries of both Scotland and Wales wrote a letter to the UK Treasury in late-July 2017 stressing that the Barnett formula should apply to the one billion pounds of additional support now earmarked for Northern Ireland.

The extent of divergence in today's UK is highlighted by the four nations' differentiated politics, apprehensions about the Brexit negotiations, uncertainties regarding the post-EU Northern Ireland border, debates concerning a second Scottish independence referendum, and broad unease with the recent Wales Act. In March 2017, Professor Richard Rawlings observed in a BBC Radio Wales interview that the Act's list of reserved powers, as retained by Westminster and Whitehall, is too extensive and potentially 'claws back' devolution in some fields.

Interestingly, the report titled *Devolution and the Future of the Union* (The Constitution Unit, University College London: April 2015) affirms that: 'the UK is hardly unique in facing challenges to its structure and integrity...though it is unique in seeking to do so without a formal written constitution.' This report explores three models of increasing devolution as possible solutions. Heftier doses of the same medicine may appeal as a remedy to some, but does not address the symptomatic ambiguity introduced by the general primacy of Westminster and the inherent challenges presented by the unitary state. The current situation is compounded by the disconcerting shadow of a potentially

hard Brexit, enacted on all four nations, if the needs of all are not properly represented in negotiations.

Earlier this year, Lord Elystan Morgan highlighted that: 'a good proportion of the reserved powers in the Wales Act 2017 reside at Brussels not Westminster.' Former Prime Minister Gordon Brown and Baroness Randerson asserted that the UK should: 'use the repatriation of powers from the EU to establish a new federal state of equals.' Lord David Owen advocates a federal structure based on the German model in his paper titled A Federal UK Council (November 2016), whilst the report titled UK's Changing Union, Towards a New Union (Wales Governance Centre, Cardiff University: February 2015) proposes a union state not a unitary state which: 'consists of four national entities sharing sovereignty...and freely assenting to cooperate in a Union for their common good. This signals the end of devolution and a move to a more overtly federal or quasi-federal framework.'

Professor Jim Gallagher goes further: 'people often talk about federalism as if it were a solution for the UK. In truth the UK is already moving beyond it, to a more confederal solution.' Reflecting on his paper titled Britain after Brexit, Toxic Referendums and Territorial Constitutions (October 2016), Gallagher envisages: 'a confederation of nations of radically different sizes, sharing things that matter hugely, like economic management, access to welfare services and defence.' He explains that Brexit presents the: 'UK's first chance in decades of an effective regional economic policy, so that central government can direct resources to the poorer areas of the country and use them in imaginative ways.'

In a federation, sovereignty is shared between central and constituent nation governments. Each level has clearly articulated functions, with some powers pooled between them, but none has absolute authority over the others. Agreed practices and rules are confirmed through a written constitution with compliance enforced by a Supreme Court. In contrast, a confederation is a union of sovereign member nations that for reasons of efficiency and common security assign a portfolio of functions and powers by treaty to a central body.

Collective functions of a federation or confederation might typically encompass to varying degrees: the armed and security forces; border, diplomatic and international affairs; shared public services; cross-recognition of legal jurisdictions; currency and monetary policies; a single market; and select taxation, as appropriate. Federations generally have central institutions in place to implement many taxes (e.g. USA operates the Internal Revenue Service, the Alcohol and Tobacco Tax and Trade Bureau, and the US Customs and Border Protection), and foreign policy. Confederations raise collective

budgetary funds annually through each member nation's contributions of a defined proportion of their Gross Domestic Product (GDP). Internally, these nations operate distinct tax regimes and act unilaterally in most fields of foreign affairs and law, unless centrally assigned.

The report titled *Federal Britain, The Case for Decentralisation* (Institute of Economic Affairs: 2015) perceptively explains that: 'fiscal decentralisation is associated with higher national income, better school performance and higher levels of investment. In particular, the decentralisation of revenue-raising powers has a stronger effect on performance than the decentralisation of spending. The evidence suggests that increasing the local share of taxation from 5% to 20%—still low by G7 standards—could raise GDP per capita by 6%. With especially low levels of revenue decentralisation, and as a large country, the UK is in a particularly good position to gain from transferring powers and revenue-raising.' More research is required to better understand the probable medium to long term economic impacts on each nation of moving towards a federal or confederal model of governance.

In a federation, an individual is a citizen of the central overarching structure *and* the constituent nation within which they reside, participating democratically in electing representatives to the legislative parliaments at both levels of government. Typically, a party political system operates across the whole. In a confederation, individuals elect representatives to take part in central policy decision-making processes more in the role of trustees acting on behalf of their member nation's interests. National parliaments, not individuals, are represented in the central institutions with citizens relating directly to their member nation and only indirectly to the confederation. For example, Article 8:1 of the mainly confederal Treaty of European Union declares that: 'every person holding the nationality of a member state shall be a citizen of the Union.'

Therefore, a federation sets out to provide constitutional clarity and stability across constituent nations with shared mechanisms in place for advancing joint interests and resolving disputes. It also capitalises on the potential for realising economies of scale in the delivery of a few centrally held key functions, which may allow for the proportional redistribution of joint prosperity generated through the federal capital, and a greater projection of political influence in attracting investment internationally. By comparison, a confederation presents to each member nation both the advantages and the challenges of acting as a sovereign state within an isles-wide alliance. A treaty on issues of shared concern aims to mitigate any risks associated with fragmenting previously delivered common functions. Competitive considerations have more prominence between member nations when negotiating within a confederal-type relationship, balanced against the consensus model largely offered by federalism, and the cost savings

achieved through operating formal joint mechanisms across many key areas of governance are not secured to the same extent.

The constitutional choice may not be purely binary in nature. Professor John Kincaid, in his article titled *Confederal Federalism and Citizen Representation in the European Union* (*Western European Politics*, Volume 22: 1999 Issue 2), details: 'what seems to have developed in the EU is...a confederal order of government that operates in a significantly federal mode within its spheres of competence.' Member nations have delegated, in effect, parts of their sovereignty over time to central bodies which agree laws on their behalf. For example, the existence of an EU common currency within what is mainly a confederal treaty illustrates the point.

Reflecting on the varied politics across the four nations, the progressively sustainable model might well rest along the continuum between a **Federation** and a **League or Union of the Isles** in time (i.e. a confederation). In crude terms, the former option has aspects of a safety net deployed with many shared instruments of governance established to support the realisation of economies of scale, in delivery, and to address the common interests held by constituent nations. The latter option allows for agreement and partnership amongst fully empowered member nations on matters of collective concern, but with competitive considerations likely to complicate interactions between them. A League or Union of the Isles could invite participation by the Republic of Ireland if so desired, dealing neatly with the post-Brexit issue of the border with the north. It could also address the wishes of Scotland if independence is sought.

As well as those key common interests demanding some form of agreed centrally-held functions for defence, foreign affairs, finance and home affairs as already described, there are also many mutual considerations of a general nature which might require the establishment of other useful structures to promote cooperation and harmonisation of laws across the isles. These considerations include postal, telephonic and internet communications; railways, roads and associated licensing; airports, ports and traffic controls; coastguard and navigational services; energy, water and related infrastructure; income and corporation taxes; rates of sales, weights and measures; copyrights, patents and trademarks; scientific and technological research; broadcasting; meteorological and oceanographic forecasting; environmental and ecological protection; civil defence and emergencies; prevention of terrorism and serious crime. Such structures could be critical within a political climate where the EU can no longer be relied upon to promote the necessary collaborations and understandings.

The extent to which an incline towards federalism would support greater constitutional clarity, comfort and confidence should not be underestimated, especially on matters of

defence, social mobility and trade. However, a tilt towards confederalism, with England established as one unit alongside Northern Ireland, Scotland and Wales could provide a solution to one of the more difficult issues presented by the federal-only solution. To quote Dr Andrew Blick from his web article titled *Four Options for Configuring the British Constitution* (London School of Economics and Political Science: February 2015): ‘the UK already has more diversity in certain respects than might be found even in a federation, for instance through the existence of three different legal systems...with a fourth possibly coming in Wales.’ Blick highlights that: ‘a practical problem involves how to incorporate England into a federal UK. If England were included as a single unit, since it accounts for more than 80% of the population, federalism might create instability worse than that which it sought to correct. Another approach could be for England to participate in a federation in a series of more manageably-sized regions. Yet it is not clear how to demarcate these territories, and whether they would command sufficient popular attachment to make the federal project politically viable. Nonetheless, a federal UK may become the most plausible means of preserving the UK, necessitating a resolution to this English dilemma.’ It should be noted that both constitutional models of federalism and confederalism allow for some further devolution of powers within England at a tier of governance immediately below that of National Parliament level.

In national terms, there is a clear distinction between the existentialist and utilitarian views of self-government. The former demands more autonomy simply because of a belief that it is the natural right for nations, and the latter considers it as a path to a better society—to achieve the most effective political unit for securing the economic growth and social justice that people deserve. A solution somewhere on the continuum between federalism and confederalism could encourage and support a real partnership of equals across these isles, sharing specific powers to address collective interests whilst valuing the autonomy of each nation. It could also promote many of the aspirational advantages sought for by self-government at the same time as ensuring confidence in the fields of diplomacy, economics and security which the current unitary state advocates. So what might such a governance model look like?

A League or Union of the Isles would be established as a confederation of England, Northern Ireland, Scotland and Wales with aspects of federal-type control built into key policy portfolios to reflect the principles of equality and solidarity amid member nations. The Head of the Confederation could continue to be Her Majesty and successors. Each nation would hold every power and right which were not by treaty, or constitution, delegated to joint institutions, operating distinct legal jurisdictions. Such a jurisdiction in Wales would be subject to formation by the National Parliament in Cardiff.

A **Council of the Isles** would be introduced with mechanisms created to address the asymmetry between the population sizes of member nations, particularly through the composition and distribution of seats. Members of the Council would be elected for a four-year period, potentially through the political party-list approach of proportional representation by the electors of each nation, convening annually for a fixed period unless urgent business is demanded. The Council would assume its own standing orders, confirming a Presiding Officer and Executive whose Prime Minister and Ministers would be responsible for enacting legislative power throughout the isles on matters involving defence, foreign affairs, finance, home affairs and mutual cooperation (as defined by treaty or constitution).

Each Bill considered by the Council could be usefully circulated to the National Parliaments of England, Northern Ireland, Scotland and Wales in advance of final reading, with member nations empowered to make representations, as necessary, to affirm objections or suggest amendments before voting. On passing, the Head of State would confirm the Bill as an Act of the Council of the Isles. Lord Owen has proposed (2016): ‘until a Federal UK Council is well established I suggest retaining a non-elected House of Lords to scrutinise the legislation that does not concern federal interests.’ Similarly, Professor Gallagher has stated (2016) that: ‘the House of Lords’ might be used ‘as an effective Senate...of the Isles, holding the UK’s governments to account for their joint activities.’ He evokes: ‘a grand committee of the House...with no partisan majority, and with 55% English members so the devolved are consciously overrepresented.’ The ultimate authority on all questions regarding the legitimacy of any law and treaty would remain with the Supreme Court.

A **Congress of Member Nations**, comprising the Council’s Prime Minister and Minister for Home Affairs, as well as the First Minister of each member nation, would convene regularly to discuss those general and mutual considerations which demand a degree of cooperation and harmonisation of laws as outlined earlier, besides the key centrally held functions. The Congress, with support of the Council, could also hold controls for confirming contractual-type arrangements for the supply of additional public services to member nations if requested. To cover the common functions and other agreements in place, the Council would levy charges upon each member nation according to a defined proportion of their GDP annually relative to that of the confederation as a whole. These monies would be paid into a consolidated fund from which the interest on the UK public debt would continue as a standing charge. The Council, working with the Congress, should aim to promote equality in sharing a measure of the baseline investment for infrastructure projects across the isles. In the interests of advancing ongoing solidarity and mitigating elements of financial risk, it might also be desirable to assign some central responsibility for pensions alongside federal-type mechanisms for

collecting what is presently termed National Insurance Contributions appropriately renamed.

The **National Parliament** of each member nation would sit as the legislative and representative body of its people, enacting powers and laws on every issue that is not identified as the Council's sole competence. A Government with executive powers would be appointed from the nation's parliamentary members, comprising a First Minister and other ministerial positions as required to oversee the various offices. The superior judges in each member nation would be nominated on the advice of an independent authority with established institutions in place to scrutinise public appointments, including auditor general, and to operate as an ombudsman. Nations could further sub-divide their lands through Acts of National Parliament, defining the composition and responsibilities of local government authorities.

Is there a detectable appetite in England, Scotland and Wales for exploring a journey towards federalism and beyond? The report titled *A Constitutional Crossroads, Ways Forward for the United Kingdom* (The Bingham Centre for the Rule of Law: May 2015) does indeed propose: 'moving towards a more federal, codified constitutional arrangement for the UK,' as it would: 'establish permanent devolution on the basis of more clearly defined principles and rules.' Also, the Constitution Unit, University College London is presently working on a substantial project investigating the design options for an English Parliament. Support for such a development has grown considerably in recent years with potential governance models now being examined seriously. A report is due to be published in autumn 2017.

The Constitutional Commission in Scotland, from which several of the institutional ideas explored in the paragraphs above are inspired, goes further in its web-article titled *A Confederal UK?* (2015). This suggests that a confederal-type arrangement: 'would enable Westminster to continue as the Parliament of England, while a limited range of confederal powers—relating to the Crown, defence, foreign policy, currency, passports, and a few incidentals—would be vested in a new Confederal Assembly. Each state would be able to adopt its own institutions within a broad constitutional framework that would secure fundamental rights and help protect the integrity of political processes.' Intriguingly, a confederal response to the constitutional question could be to the advantage of England and Scotland more than Northern Ireland and Wales, whose less affluent regions might benefit from the greater support made available through a federal arrangement.

Speaking from a Wales perspective, Gwynoro Jones (2017), an experienced political commentator on matters of devolution, has gone on the record as saying that 'the Welsh

Assembly has been hamstrung from the beginning and has been devoid of the freedom to act with effective powers. I do not blame Nicola Sturgeon for re-opening the conversation on support for independence in Scotland, nor Gordon Brown for suggesting a federal solution for Scotland in the UK. With the Brexit result I believe that the future lies, at the very least, in a self-governing Wales within a federal UK.'

Greater fiscal devolution does, of course, present challenges, opportunities and risks. In the medium to long term, much depends on how a more influential Welsh government and an informed public respond to financial empowerment over time. Questions also remain on how the present significant deficit in Wales could be supported during transition whether through adjustment of the block grant, substantially restructured budgeting and judiciously strategic borrowing, or a combination of these approaches. In this regards, the report titled UK's Changing Union, Towards a New Union (Wales Governance Centre, Cardiff University: February 2015) advocates a: 'system for determining the fair distribution and redistribution of financial resources on a clear statutory basis...designed to be equitable between all parties on the basis of examination of needs and with no expectation that transfers would be continued when needs had been met satisfactorily.'

Anyone who has read the report titled Government Expenditure and Revenue Wales (Wales Governance Centre, Cardiff University: April 2016) must concede that something of a fundamentally structural nature should be done to stimulate the Welsh economy, so as to encourage entrepreneurship internally and investment externally through capable and confident institutions which are focused and motivated on supporting businesses and creating employment opportunities. There are indeed examples of hitherto financially challenged nations which on establishing greater autonomy, within the last two decades or so, are now bearing the fruits of their ambitions, innovations and labours, having admittedly experienced difficulties at the outset.

In February 2017, an event on Brexit, Federalism, and Scottish Independence at the Constitution Unit, University College London concluded that: 'federalism appears to be a way out of the intractable, binary divisions that are fracturing the UK and its constituent nations.' There is a: 'need to shift away from a winner-takes-all mentality and to focus instead on healing divides through strategic compromise. A federal or confederal solution that works for the overwhelming majority, rather than a marginal one, seems to be an effective way to achieve this. It is up to the UK government and its constituent nations to gather the will to work for such a compromise.'

As with most things in life, he or she who pays the piper does inevitably have first choice of tune, or at least in convening an agenda for a much needed Constitutional Convention...

About the authors

Lord David Owen was Member of Parliament for Plymouth 1966 -1992. He served as Foreign Secretary from 1977 to 1979. David Owen was one of the 'Gang of Four' who left the Labour Party to found the Social Democratic Party (SDP) in 1981, leading the SDP between 1983 and 1987. He sat as a crossbencher in the House of Lords from 1992 until March 2014 and now sits as an 'independent social democrat.'

Gwynoro Jones was Member of Parliament for Carmarthen 1970 -1974 (Labour) and a member of the Council of Europe. In 1981 he joined the Social Democratic Party (SDP) and was Chair of the SDP and the Alliance in Wales for most of the 1980s. In 1992, after contesting Hereford for the Liberal Democrats, he concentrated on developing and running his company, which carried out approximately 10,000 school inspections in England and Wales between 1994 and 2013.

Lord Elystan Morgan was created a Life Peer in 1981 and now sits as a crossbencher in the House of Lords. A former Plaid Cymru parliamentary candidate until 1964, he subsequently joined the Labour Party and was elected Member of Parliament for Ceredigion 1966 -1974 (Labour). During the premiership of Harold Wilson he was Under-Secretary of State in the Home Office between 1968 and 1970. He held the office of Circuit Judge between 1987 and 2003.

Glyndwr Cennydd Jones has been the chief executive officer of a UK-wide charity since 2012, based in London, having previously held a senior role at an international awarding organisation for over 11 years. He stood as an assembly and parliamentary candidate for Plaid Cymru during the period of the party's assembly coalition with Labour. Writing in a personal capacity, he is today an advocate for greater cross-party consensus and cooperation in Wales, liaising with representatives of all parties.

Martin Shipton is the Chief Reporter of Media Wales. He joined Wales on Sunday in 1994, moving on to the Western Mail eight years later. He specialises in investigative stories and has been involved in covering the National Assembly of Wales since its outset. His book on the assembly's first decade, *Poor Man's Parliament*, was published in 2011. His second book, *Political Chameleon: In Search of George Thomas*, was released in September 2017.

Further reading

The sample of publications listed below has inspired the authors' thinking.

Blueprint for a UK Constitutional Convention

(The Constitution Unit, University College London: June 2017)

A Federal UK Council

(Lord David Owen: November 2016)

Britain after Brexit: Toxic Referendums and Territorial Constitutions

(Professor Jim Gallagher: October 2016)

Government Expenditure and Revenue: Wales

(Wales Governance Centre, Cardiff University: April 2016)

A Constitutional Crossroads: Ways Forward for the United Kingdom

(The Bingham Centre for the Rule of Law: May 2015)

Devolution and the Future of the Union

(The Constitution Unit, University College London: April 2015)

Constitution Convention report

(Institute of Welsh Affairs: April 2015)

UK's Changing Union: Towards a new Union

(Wales Governance Centre, Cardiff University: February 2015)

Federal Britain: The Case for Decentralisation

(Institute of Economic Affairs: 2015)

A Draft Constitution for a Confederal United Kingdom

(Constitutional Commission in Scotland: 2015)

A Federal Future for the UK: The Options

(The Federal Trust for Education and Research: July 2010)

Will Britain Survive Beyond 2020?

(David Melding AM, Institute of Welsh Affairs: 2009)

Confederal Federalism and Citizen Representation in the European Union

(Professor John Kincaid, Western European Politics, Volume 22: 1999 Issue 2)

Independence in your pocket

(Yes Cymru: June 2017)

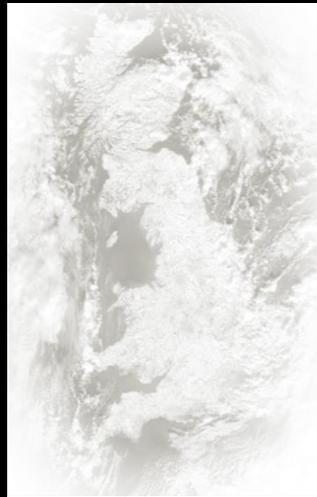
The Bundesrat and the Federal State System

(Dr Konrad Reuter, The Federal Council of the Federal Republic of Germany)

Wales Act 2017 and the European Union (Withdrawal) Bill 2017 - 2019

Towards Federalism and Beyond...

Lord David Owen, Gwynoro Jones, Lord Elystan Morgan and Glyndwr Cennydd Jones share thoughts on the UK Union and the need for a Constitutional Convention...



'The suggestions to be found in this series of essays by a new, self-styled 'Gang of Four' are motivated by the desire to see greater fairness in the way we are governed.'

'In this respect, they form part of a long and honourable tradition, and deserve to be taken seriously.'

**Martin Shipton: Political author and
Chief reporter for Media Wales**