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The New Devolution in Wales as a Result of Emerging the Small Nation

ABSTRACT

In this article, an author proves that devolution based on the national identity fosters political development in Wales. The main historical facts are briefly recalled, coming smoothly to Tony Blair's reforms and their partly failure. Author considers them as irreversible process' elements, later continued by David Cameron who saw them as vital to awake national identity of Wales. Such efforts finally result in economic success of the whole region, based on devolution of powers, as it is concluded at the end.

Key words: Carwyn Jones, Celtic, *Cymru*, David Cameron, David Lloyd George, devolution, economy, elections, finances, first minister, government, identity, nation, National Assembly, power, prime minister, referendum, reforms, regional, Tony Blair, Wales

INTRODUCTION

In 2011, Wales¹ opened the new chapter in its own history. The period of deepened devolution triggered off, replacing the old one that had been introduced thirteen years earlier [Bogdanor 1999: 255]. The title of the whole article is the thought of First Minister of Wales spoken in March 2011, just after announcing the official results of referendum. People agreed on more provisions to their National Assembly and regional government. The Tory-led cabinet amended law that changed the constitutional position of *Cymru*. Before process named in the first sentence re-opened, many changes had to be done in Wales urgently and they are all analyzed below.

¹ In the text terms "Wales", "*Cymru*" and "St David's country" are used interchangeably. St David is the patron of Wales, worshipped by Anglican and Roman Catholic Church, both.

The main aim of the article is to present some factors pointing to the rightness of devolution in Wales, based on the regional identity. The used example shows how decentralization of power in this particular region affects many areas, including financial scope as well as social issues.

Going further, in case of the UK, almost every occurrence or process in society has historically set foundations [Wagstaff 1999: 16]. Current Wales cannot be fully understood, unless some elements of its ancestry are shown, as written below.

A BRIEF HISTORY OF WALES

Wales used to be settled before the Roman times, mainly by people of Gaelic ethnicity [Wagstaff 1999: 33]. Original dwellers were not easy companions to deal with for conquerors. The Roman Empire had to face Boudica (Latin Boadicea) the female commander of the Celtic rebellion, who declared the war on invaders². Romans defeated internal mutiny, having lost many legionaries and important settlement *Londinium* burnt to the ground. Captured and killed, she became a national heroine, many centuries later. Boudica herself came from the Isle of Anglesey, located in the north of present Wales [Ackroyd 2012: 20], so her descent is clear.

Apart from real characters, the Arthurian legend also came from Celtic mythology. Famous King Arthur along with the Knights of the Round Table, tried to unite and lead Britons through dark ages of chaos, shortly after Roman withdrawal from Britain. The character of a king, born and brought up in Wales, spread quickly among Europe and even today is quite popular [Burns 2010: 66]. His legend fulfils the gap in history of British Isles, dated to the period from the end of the 5th till 7th century, when almost no certain historical evidence has made to the present day.

Coming back from legends, in the later centuries of the medieval era, William I the Conqueror had to put so much effort in his invasion in Britain, either [Davies 2004: 342]. Hardly had he defeated Anglo-Saxon forces in the battle of Hastings (1066), when he realized the western part of the Isle remained independent from his reigning. After decades of fight, St David's country also came under Norman power.

At the turn of 13th century, English king Edward I Longshanks, shortly after being crowned, decided to conquer new areas. First one turned out to be Wales (Gael. *Cymru*). Then, an independent realm, still dominated by people of Gaelic ethnicity (the original settlers as written earlier in this article), had to stand against the invaders. Unfortunately for them, their struggle turned out to be unsuccessful [Cole 2006: 43].

² Boudica's rebellion set in the 1st century under reign of Nero, the Roman Emperor responsible for oppressing Christians a couple of years later. Her revolt is widely depicted in Tacitus' *Annals* [Ackroyd 2012: 20].

No sooner had Edward I defeated Llewellyn (Welsh king, commonly known as Llewellyn) then he titled his successor and son Edward as the Prince of Wales in 1301 [Pryce 2011: 87]. From that moment, every royal eldest son appointed to be an heir to the English throne (according to rule later known of primogeniture), has been holding such a title³. Lognshanks' conquest did not end the efforts for independence of *Cymru*, waiting for opportunity and a commander who could lead the rebellion [Cole 2006: 43].

More than one hundred years later, the last struggle for independence sparked among Welsh people. Owen Glendower (Gael. Owain Glyndŵr) became the unquestionable leader of his folks [Cole 2006: 45]. Not only was he a military commander, but he also led Wales politically, restoring its separate parliament, rejected by Edward I. Unfortunately, Owen Glendower lost. National mutiny suppressed prince Harry of Monmouth (later king Henry V) [Davies 2003: 402]. Thus, *Cymru* became part of England, ultimately.

The 16th century brought official act of union, actually consisting of two parliamentary acts issued in 1535 and 1542, respectively⁴. Henry VIII's Royal Assent made the law enacted to power [Cole 2006: 43]. Welsh language and culture were officially rejected and such crucial elements of national identity [Marczewska-Rytko 2015: 107] just began to fade almost completely [Davies 2003: 411]. Welsh capability of self-determination, vital for politics, passed away almost completely. The best analysis of situation of Wales in the 19th century shall be recalling the words of William E. Gladstone, Prime Minister who said: "The distinction between England and Wales (...) is totally unknown to our constitution" [Bogdanor 1999: 144].

Till the 20th century almost nothing had been altered. David Lloyd George, the Prime Minister, dealt with *The Welsh Church Act 1914* (1914, c. 91; later as WCA 1914) which enacting suspended World War I. That law founded the new Church in Wales and stated this religious community as an autonomous part of the Anglican worship (under section 1 of WCA 1914). Six dioceses came to life in the years 1921–23 and has been still existing in original shape. However, such a gesture Welsh people found as symbolic only. Lloyd George, an old-fashioned politician stood against any kind of devolving power, so creating the new church was the only reform done for Wales [Zins 2001: 323] he originally came from. Such a gesture had some influence on the national identity, because preachers successfully preserved the Gaelic heritage, in limited range, of course [Bogdanor 1999: 148].

³ Under section 1 of the *Succession to the Crown Act 2013* (2013, c. 20), the royal daughters can be also appointed prior to male heirs, if they are first-born of the siblings. Till 2013, under previous act (*Act of Settlement 1701*), they could become monarchs, if they were only children or all brothers died, prior to succession.

⁴ These acts are called *The Laws in Wales Acts 1535 and 1542* (1535, c. 29). Both of them repealed *The Welsh Language Act 1993* (1993, c. 38) under its section 22 (later referred to as "WLA 1993").

Table 1. The number of people able to speak Welsh in the 21st century

Census	2001		2011	
	Number of people (in thousands)	Percent of total population	Number of people (in thousands)	Percent of total population
Can speak Welsh	576	20.5	562	19.0

Source: Table content based on data taken from ONS⁵ [2011 Census for Wales]

The matter of forgotten language looks interesting nowadays, especially after official reinstatement in 1993 as one of official speeches in the UK under section 22 of WLA 1993. According to Richard Rawlings, bilingualism is one of two most important factors on the way leading to success of devolution [Rawlings 2005: 101].

According to two censuses, conducted within a period of 10 years, just about 19% (the decline from 20.5% as seen in Table 1 above) of the total population in *Cymru* uses Gaelic speech daily [2011 Census for Wales]. The Welsh language, along with Irish and Scottish, almost disappeared throughout past centuries, being replaced by English. However, after many centuries, it faded, but never was gone ultimately.

One disadvantage of both censuses considers the quantity approach to the research. It should consider the quality side, either. It means, survey ought to check how wealthy is the vocabulary used by people every day. The Census 2011 does not cover an answer to such a question. And neither did the one from 2001.

As the both surveys showed, regardless of anything, through the centuries under English dominance, Welsh nation remained vibrant. Relics of the past, although faded, never disappeared as a vital part of nation [Altermatt 1998: 35–37]. But *Cymru* needed someone who could bring the spirit of its people out and make them proud of their glorious heritage [Rawlings 2005: 101].

TONY BLAIR AND HIS NEW LABOUR IDEAS OF WALES' REVIVAL

At the turn of the 20th century, history gave Welsh people such a character. Tony Blair became the reformist that the UK needed so much. Blair's idea of modern devolution, turned out to succeed this time [Richards 2004: 187]. Earlier, during the queen Victoria's reign the *Irish Home Rule* was unsuccessfully voted in 1886 in the House of Commons. Wig Prime Minister William Gladstone wanted to ease Ireland's call for respecting two Acts of Union from 1801 that the Cabinet ignored [Rajca 2012: 63]. Recalled process created second bicameral parliament in Dublin, existing parallel to the House of Commons in London. However, the freshly-intro-

⁵ ONS refers to "Office for National Statistics for England and Wales". Scotland and Northern Ireland have their separate Offices.

duced legislature, could work on the act concerning the Irish issues only. This body had lasted till 1972, moving to Belfast in the meantime⁶ [Rogers, Walters 2006: 90].

The process of devolution⁷ is also associated with the Blair's idea of renewal British politics [Bogdanor 1999: 166], fulfilling the criteria of "novelty". Such an acting, perfectly fits to the *New Labour* as scholars in the United Kingdom call the Labour Party under his leadership. Tony Blair became the "creative unit" [Michałowski 2008: 27], full of ideas attracting other people and making them follow such "creations". However, not only did he implement his vision, but he also appointed new ways for a future acting of his successors at Downing Street 10⁸ [Laws 2010: 219].

Prior to preparing an urgent bill for Wales, likely to other peripheral parts of Kingdom (and local government) [Copus 2006: 11], Labour-led cabinet had taken two actions. Firstly, in July 1997, government published a white book, officially called *A Voice for Wales* including future provisions to the legislative body [Radzik-Maruszak 2012: 206]. When proposals were set for citizens to be familiar with, Tony Blair informed about holding the devolution referenda, shortly after. Prime Minister kept his word he had given before the General Elections in May 1997 [Chandler 2009: 24]. In case of Wales, such an act of direct democracy occurred on 18 September 1997 [Radzik-Maruszak 2012: 207]. The results showed a call for changes. Devolution referendum in *Cymru* achieved turnout of 50.10% where 50.30% of entitled to participate citizens voted "yes" for cabinet's propositions [Sully 2000: 111] (Table 2). Tony Blair's idea was not the new one as mentioned before the *Irish Home Rule*. On the other hand, the originality of his reforms, followed the trend of regional as well as local revival across Europe [Giddens 2010: 185].

The first new law – *The Government of Wales Act 1998* (1998, c. 38) – provided to *Cymru* the National Assembly for Wales⁹ (Gael. *Cynulliad Cenedlaethol Cymru*). This unicameral regional parliament was not as strong as legislative body in Edinburgh, but still, symbolically brought back the regional representation of St David's country [Dunleavy 2006: 330]. The National Assembly, could make a secondary law by issuing orders, concerning the Welsh language and health matters only [Osmond 2007: 47]. They all needed London's consent, previously [Radzik-Maruszak 2012: 207].

Welsh parliament consists of 60 deputies, called the Assembly Members (AM), elected in additional member system. The group of 40 AMs represents geographically

⁶ Ireland as a whole country used to be a part of the United Kingdom from 1801 to 1922. When the Irish Free State was reborn, Ulster's six (out of nine counties) remained under British rule. The existing parliament had to move from Dublin to Belfast in 1922 [Rogers, Walters 2006: 90].

⁷ The explanation of the term "devolution" used hereinbefore is taken from the publication written by S. Kubas. According to this scholar, the "devolution" means "a special kind of decentralization of power, in the British constitutional system defined as the transfer of power to the subordinate elected body, based on the criterion of geographical functions performed previously by ministers and Parliament of the United Kingdom" [Kubas 2004: 13].

⁸ The Downing Street 10 is an address in the City of Westminster in London, where Prime Minister resides, both working and living. Sometimes journalists in the UK use this term interchangeably with the "PM".

⁹ Later "The National Assembly for Wales" will be named as "National Assembly".

established single-member constituencies (*first-past-the-post*). The remaining 20 is elected from the regional list with using the D'Hondt method of proportional representation [Dunleavy 2006: 330]. Thanks to this solution, voters do not lose their candidates they favour the most. It also repairs the democracy, if people are fully represented.

Till 2007, the National Assembly constituted from the majority of AMs the Executive Committee as the government, presided by the First Minister [Rogers, Walters 2006: 91]. Such a body just implemented the law that had passed through the Assembly in limited scope, including only two policies (Table 3) [Osmond 2005: 47]. Situation changed in 2006, under *The Government of Wales Act 2006* (2006, c. 32; later as GOWA 2006) the Executive Committee changed its name into the Welsh Government (Gael. *Llywodraeth Cymru*) (under section 45 of GOWA 2006), receiving free mandate to rule over *Cymru*.

The First Minister of Wales has also been the Privy Council Member (along with his counterparts from Scotland and Northern Ireland) that signifies title "Rt Hon" ("Right Honourable") before name¹⁰. The regional cabinet's leader serves these two offices at the same time, *ex officio*. In Poland, it would collide with the constitutional principle of *incompatibilitas* (incompatibility), but in the UK, situations seems to be different. Wales' government chief can articulate the needs of his region loudly and be heard by Prime Minister in London as well as Her Majesty Queen Elizabeth II.

Some scholars, including Vernon Bogdanor [Bradley 2004: 49], accuse Tony Blair of fostering his political environment to deepen the process of declining the parliament [Smith 1999: 223]. A.V. Dicey saw such an occurrence at the turn of the 19th century in his *The Law of the Constitution* (1885), concerning it as inevitable, and parliamentary omnipotence as an "anachronism" [Blackburn, Kennon 2003: 757].

Yes, Blair himself did so much in this area. Nevertheless, the efficiency of the state as a whole, needs the power to be divided between many bodies [Norton 2005: 259]. Wales may drive itself easier and more appropriate, having got devolved competencies in governing. Better than even the most specialised committee in the House of Commons, because every community knows the crucial matters of its citizens and reacts faster, too [Wilson 2005: 168]. Seemingly weaker parliament with provisions to regional and local bodies (district and counties), is the best option for the United Kingdom [Bradley 2004: 49], making its democracy revival as well [Morgan-Trimmer 2012: 121].

Tony Blair decided to encourage Welsh people to develop their region. Unfortunately, citizens of St David's country, did not follow the Labour Prime Minister. Even the remedial GOWA 2006 failed to act either. Luckily for *Cymru*, success came many years later. But Blair's efforts should be appreciated much more as a ground

¹⁰ The Privy Council is a formal body of advisors to His/Her Majesty. Dated back, the origins come from Norman Conquer – *Curia Regis* (Royal Council) that king Henry VIII modified later. In the 1700s, with the creation of modern cabinet, Privy Council transferred almost all powers to government. The membership covers senior politicians, active and former ones, from both Houses of Parliament [Bokszczanin 2003: 261].

for future changes. It was him who abolished the obsolete laws introduced by king Henry VIII himself. He actually transformed the United Kingdom into *quasi*-federal state with devolved legislative bodies considered as constitutionally strong [Carman 2015: 10]. Till Blair's era as Prime Minister, only geographic borders, such as the Cumbrian Mountains and the Severn River, marked out Wales [Kubas 2004: 13].

GENERAL ELECTIONS OF 2010 AND THEIR CONSEQUENCES

In May 2010, Britons, after a 13-year-long period of Labour-dominated Governments in power, voted for New Tory under David Cameron's leadership [Laws 2010: 219]. Young and skilful politician had his own vision of reforms. However, he did not reverse any of changes by Tony Blair and Gordon Brown [Peston 2005: 288], even criticized by himself while serving as the Leader of the Opposition to Her Majesty's Government (2005–2010) [Norton 2011: 153]. Cameron based on the idea of "Celtic Renaissance", encouraging Welsh people to demonstrate their identity.

The new point of view, deprived of Thatcher's incorrect aspirations to strong central power [Nowacka 2002: 112], has brought an unexpected situation. Traditionally, Tories are against regionalism and elected bodies, dominated by their opponents [Philip 1999: 23]. Wales, considered as leftists fortress ("Tory-free zone" as described at the turn of the 20th century)¹¹, might have feared of Cameron [Radzik-Maruszak 2012: 206]. Happily for *Cymru*, he as Prime Minister was not as radical as "Iron Lady" [Heppell 2014: 157]. He worked out a new approach to devolution that made all sides gain, only. The first step belonged to him as the most powerful person in the UK [Patchett 2005: 114].

The referendum held on 3 March 2011, although not commonly participated (Table 2 shows the slight decrease in total number of voters), proved Welsh maturity in political matters. They strongly supported changes as 63.5% of citizens agreed on proposals [Welsh Referendum 2011]. *Cymru* entered a new chapter in its history. The First Minister Carwyn Jones said: "Today an old nation came of age" [Welsh Referendum 2011], commenting on the results of devolution referendum in 2011. The proud people showed their devotion to land of the ancestors.

As a result of the poll, the existing GOWA 2006 was amended in Westminster, giving further provisions to Welsh Government in 20 policies [Devolution Settlement Wales 2013] (Table 3). Such extension of competences had to be followed with additional funds to exercise them well. This postulate also found its place and came into force.

¹¹ The National Assembly for Wales Election held in years 1999, 2003, 2007, 2011 showed the Labour-friendly attitude among Welsh people, as Tony Blair's background received the majority to lead. Till 2007, the Conservative Party had only one AM, elected in Wales. Since 2011, Tories have been the second group in the National Assembly, replacing Plaid Cymru [2011 National Assembly for Wales election results].

Table 2. The Welsh devolution referenda

Referendum	1997	2011
Yes to changes	50.3%	63.5%
No to changes	49.7%	36.5%
Turnout	50.1%	35.4%

Source: Data based on Sully [2000: 111] and Welsh Referendum [2011]

Allowing the National Assembly to rule in many unavailable earlier areas, released the House of Commons from some of decision-making process and finally led dwellers to success [Stoker 2005: 166]. With benefits to the whole United Kingdom. The rule of “chain being as strong as its weakest link” works in social life, as well.

Financial provisions allowed Cardiff-located legislature to extra tax citizens. The income tax share is also altered with benefits for *Cymru*. In case of domestic redistribution, more money stays in Wales. Finally, the Cabinet allowed the National Assembly to have a benefit of using the stamp duties and ministerial loans to increase available funds for further investments by 2018 [Welsh taxes 2014]. Wales boosted suddenly in the economic “global race”, when “a small country that has emerged determined to secure its identity” as spoken by Deputy First Minister Ieuan Wyn Jones [Wales votes “yes” 2011].

Not only did the Cabinet amended GOWA 2006, but it also passed the *Wales Act 2014* (2014, c. 29) that lengthened the term of office for the National Assembly from 4 years to 5 years (under section 1.1 WA 2014). Longer period of works outcomes in stability and more deliberative reforms in consequence.

Table 3. The scope of the Assembly’s legislative competence to make a law

Year	1998	2011
Number of policies	2	20
Policies (fully detailed)	Welsh language Health and health services	Agriculture, fisheries, forestry and rural development Ancient monuments and historic buildings Culture Economic development Education and training Environment Fire and rescue services and promotion of fire safety Food Health and health services Highways and transport Housing Local government National Assembly for Wales Public administration Social welfare Sport and recreation Tourism Town and country planning Water and flood defence Welsh language

Source: All data taken from Part 4 Schedule 7 GOWA 2006 as repealed in 2011

Significantly, every law made by the National Assembly in Cardiff, needs Royal Assent (under section 107 GOWA 2006), becoming primary law as ordinary act of the House of Commons. Till 2011, Welsh legislature issued only orders with a legal status of secondary legislative. The meaning of Welsh law-making process went up. London's consent in matters concerning *Cymru* [Patchett 2005: 124], was rejected, but Assembly Acts cannot stand against laws passed by British parliament (under section 108 GOWA 2006).

The Welsh Government's chief, the First Minister, has remained the same title of office. Modernised body, given provisions to govern twenty new polices, could start swiftly to exercise its powers [Kirkup 2013]. Such occurrences finally made Wales a real part of the United Kingdom, not the additional region to England, taking everything from London's resources only.

CONCLUSIONS

It is clearly visible that dreams of Owen Glendower and Tony Blair have finally come true. The devolution of power started by Labour Prime Minister at the turn of the 20th and 21st century has been lasting still. After Blair and Brown even Cameron, the Tory leader, rejected an old approach of his own party to decentralization and continued achievements of his predecessors. Nowadays, despite the Cabinet reconstruction in 2016, nothing will be reversed back to the situation from the 1990s.

The revived national identity of Welsh people, as the vital criterion for regional development, allows London to provide more legal possibilities for *Cymru*. Preserved by small number of dwellers and preachers, became the stable base for carrying out the reforms. It cannot be forgotten that very long and hard way preceded the present success. Initial Blair's failure, turned his reforms on the right direction in the UK's policy in the following years. The feeling of common origin amongst Welsh people, whose identity almost faded away, became the biggest obstacle at the beginning.

Blair partly overcame this issue and proved himself a great leader, recalling the idea of the "creative unit" by Stanisław Michałowski. In Wales, first ministers followed their reforms and also led their people on route to better future. Two of them stood out significantly – Rhodri Morgan and Carwyn Jones. The second one currently fulfils the criteria of a real regional leader, both political and national. Nowadays, after "Brexit", Jones calls Theresa May to accept Wales's opinion in upcoming negotiations with the European Union, declaring a strong position of his region as well as irreversibility of changes already made [Williams 2016].

Luckily, all the reforms carried out under Labour-led cabinet and continued by David Cameron cannot be undone easily by Theresa May. It gives hope for the future of the devolved parliament in Wales. Provisions to the National Assembly can go only deeper, making *Cymru* politically autonomous, but still dependent on London. However, Cardiff as mentioned earlier, has got impact on Downing Street 10 in

decision-making process. Apart from influencing the Cabinet, political body such as the National Assembly gives London a free hand to focus on the urgent issues of the whole UK. Central power could transfer regional issues to the scope of devolved parliament in Wales, with the common benefit to all citizens.

The low level of political participation of Welsh people in the regional elections, remains the biggest issue and the challenge for regional policy. The process of reviving of national identity shall continue, because the best government and Assembly may fail to act if nobody pays attention to them. The idea of democratic renewal may pass away if nobody participates in elections, because low turnout deprives policy of social legitimacy. This issue has to be faced constantly by First Ministers in Cardiff, because Blair's partly success lasted too short.

Concluding, the devolution in Wales opened a new chapter in history as written in the first sentence. In new reality, when the regional-based body allows people to articulate their own needs and the number of available policies is wider, Welsh citizens should not resign from their own development. Along with the extended range of responsibilities, more money will appear and give *Cymru* greater financial independence, obviously influencing other areas of social activity. Within past twenty years, the process of devolution initiated by Tony Blair worked out properly. The biggest challenge now is to raise the level of political involvement of Welsh people, similar to Scottish participation. When the full revival is finished, *Cymru* will transform into more autonomous part of the UK with further provisions of power from London, based on its regional identity.

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