

The Road to the Welsh Assembly

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Résumé : Contrairement à ce que l'on pourrait penser, l'idée d'un Parlement gallois n'est pas nouvelle et s'inscrit dans le long processus historique du développement de l'identité galloise face à la montée d'un pouvoir anglais fort. Ce fut Owain Glyndŵr qui, au début du XVe siècle, créa le premier - et jusqu'ici le seul - Parlement gallois, affirmant ainsi l'existence d'un état-nation qui s'avéra de courte durée. Suite à son annexion par l'Angleterre en 1536-1542, le pays de Galles se replia sur lui-même et ce n'est véritablement qu'au XIXe siècle, sous la double impulsion des mouvements nationalistes italien et irlandais, que l'on peut parler d'une renaissance du nationalisme gallois avec la création d'un groupe de pression d'obédience libérale - le pays de Galles de l'avenir (Cymru Fydd) - revendiquant la création d'un Parlement. A partir de là, le nationalisme gallois restera vivace et militant mais abandonnera le combat politique pour la sauvegarde du patrimoine gallois. Cette dynamique aboutira à la création d'un nouveau parti, le Parti national gallois (the National Party of Wales - Plaid Genedlaethol Cymru) en 1925, et au développement d'un nationalisme culturel. Il ne sera à nouveau question d'un Parlement gallois qu'après la Seconde Guerre mondiale. Le combat pour un Parlement deviendra alors l'un des fers de lance de Plaid Cymru et de son nouveau président, Gwynfor Evans. Une nouvelle dynamique sera lancée avec la Campagne pour un Parlement gallois puis les politiques de dévolution menées dans les années 1960-1970 et 1990. Le résultat ne sera pas à la hauteur des espérances nationalistes puisque le pays de Galles obtiendra en 1998 une Assemblée et non un Parlement, contrairement à l'Ecosse.

Cette communication se propose d'étudier la signification de l'institution d'un Parlement gallois tout en examinant les différentes étapes ainsi que les pressions et freins à une telle entreprise. Malgré une identité très forte et la pression des nationalistes et du pouvoir travailliste en place, le pays de Galles a refusé en 1979 puis voté de justesse en 1997 l'instauration d'une Assemblée galloise. Depuis les premières élections en 1999 et surtout la nouvelle loi de 2006 (Government of Wales Act), il semble cependant possible que les nationalistes obtiennent un jour le Parlement tant espéré.

Introduction

The Labour victory of May 1, 1997, was also the victory of Labour in Wales. The party was restored to its former place in the Welsh political landscape, having won 85% of the seats in Wales.¹ The new Welsh Secretary, Ron Davies, elected to the Welsh seat of Caerphilly, was the first Welsh MP to hold the office in ten years.

¹ Labour secured 34 of the 40 Welsh seats, Plaid Cymru 4 and the Liberal Democrats 2.

Since the former Conservative Cabinet Minister (Nicholas Edwards) left his seat in 1987 to become Lord Crickhowell - a succession of Englishmen were sent to Wales: Peter Walker (1987-90), David Hunt (1990-93), John Redwood (1993-95) and William Hague (1995-97). This had not been to the taste of the Welsh voters who defeated all six Conservative MPs - three of them Ministers - holding Welsh constituencies. Wales, like Scotland, had become a Tory-free zone.

Throughout the general election campaign, Devolution and Home Rule were key issues in the Welsh press. In its election manifesto the Labour Party had promised: 'We will meet the demand for decentralisation of power to Scotland and Wales, once established in referendums'.² But it had specified that the Welsh Assembly would have fewer powers than the Scottish Parliament:

'The Welsh Assembly will provide democratic control of the existing Welsh Office functions. It will have secondary legislative powers and will be specifically empowered to reform and democratise the quango state. It will be elected by an additional member system'.³

The main Wales daily, the *Western Mail*, was critical of Labour's devolution proposals. The *Daily Post*, which covers North Wales, was hostile to Labour but came out in favour of no particular party. The Conservatives made scathing remarks about the devolution proposals:

'Radical changes that alter the whole character of our constitutional balance could unravel what generations of our predecessors have created. To preserve that stability in future - and the freedoms and rights of our citizens - we need to continue a process of evolution, not revolution'.⁴

The Liberal Democrats promised to 'introduce Home Rule for Wales, with the creation of a Welsh *Senedd*, elected by Proportional Representation, and able to raise and reduce income tax'.⁵

No sooner was the election over than the parties began preparing their campaigns for the National Assembly as the Bill to hold a referendum on Devolution had been the first piece of legislation to be introduced in the Commons on 15 May 1997. Its main object was to determine who would be eligible to vote and what questions the electorate would have to answer.⁶ As in local elections, Peers of the

² *New Labour: because Britain Deserves Better*. The Labour Manifesto. London, 1997, p.33. Tony Blair, as leader of the Labour Party, had already announced in June 1996 that he intended to legislate for devolution through a referendum.

³ *Idem*. The manifesto mentioned on the same page that the referendums would be organised in the autumn of 1997 at the latest. Simple majority of those voting would suffice so that there was no threshold imposed as in 1979 to validate the results. The choice of the AMS system in 1997 was particularly interesting as the document which had been presented to and approved by the Welsh Labour Conference in May 1995 - *Shaping the Vision* - had endorsed FPTP.

⁴ *You Can Only Be Sure with the Conservatives*. The Conservative Manifesto. London, 1997, p.49.

⁵ *Make the Difference*. The Liberal Democrat Manifesto. London, 1997, p.44.

⁶ *Referendums (Scotland and Wales) Act 1997 (c.61)*. Royal assent was given on 31 July 1997. Its purpose was 'to make provision for the holding of a referendum in Scotland on the establishment and tax-varying powers of a Scottish Parliament and a referendum in Wales on the establishment of a Welsh Assembly; and for expenditure in preparation for a Scottish Parliament or a Welsh Assembly'.

Realm and EU residents would be able to vote. The Conservatives in particular were determined to fight a vigorous campaign even though they had no MPs in Wales. The situation was however ironic for the Welsh Secretary, Ron Davies, had promised proportional representation as the means of electing the members of the Welsh Assembly. The Conservatives wanted no truck with an Assembly but realised that PR in Wales was the only way of regaining a foothold in the region.

I. The Labour Welsh Assembly Proposal

In July 1997 - just two months after the May General Election - the Secretary of State for Wales presented to Parliament a White Paper - *A Voice for Wales: the Government's Proposals for a Welsh Assembly*.⁷ It was prefaced by the Prime Minister himself who declared that the government believed 'it [was] right to decentralise power'. The first element of the programme he listed was 'a Welsh Assembly and a Scottish Parliament giving the people of Wales and Scotland more control over their own affairs within the United Kingdom'.⁸ He also announced that the people of Wales would have the opportunity to vote in a referendum in the autumn. In the *Foreword* to the White Paper, the Secretary of State for Wales, Ron Davies, explained the purpose of the Assembly. It would:

Let Welsh people express their own priorities - for better schools and health services; for bringing the quangos under control and into the open; for directing the £7,000 million of Welsh Office spending where it is most needed. The environment, housing, transport and business would all benefit from a strategic view based on the needs of the whole of Wales.⁹

He went on to explain that after years of neglect Wales would have a voice in Britain and in Europe and would be able to tackle the problems of employment and give the country economic prosperity.

The Assembly would take over the responsibilities exercised in the country by the Secretary of State for Wales. Annex A of the White Paper listed them in detail under nine headings: industrial and economic development; education and training; health; agriculture; local government; housing; social services; transport, planning and environment; arts and cultural heritage.¹⁰ But the Assembly, contrary to the Scottish Parliament, would only have the power to amend legislation from Parliament (through secondary legislation) in those areas devolved to the Assembly (*devolved matters*). The Welsh Assembly would not be able to overturn legislation passed by the Government. Neither would it be responsible for matters affecting the UK as a whole, or which were not then administered separately for Wales. These included: social security (old age pensions, benefits and so on); taxation

⁷ *A Voice for Wales: the Government's Proposals for a Welsh Assembly* (White Paper). London, The Stationery Office, Cm. 3718, 80p. (40 in English, 40 in Welsh).

⁸ *Ibid.*, p. 3.

⁹ *Ibid.*, p. 5.

¹⁰ *Ibid.*, pp. 32-33 (*Powers and Duties of the Secretary of State for Wales*).

(income tax, VAT etc.); defence; foreign affairs; immigration; prisons and the courts. No functions would be taken away from the local councils. Wales would remain part of the United Kingdom and there would be no change to the number of Welsh MPs at Westminster (40 at the time) as a result of setting up the Assembly. The Queen would still be Head of State of the United Kingdom.

The proposal was for a directly elected Assembly. The aim was to reduce the ‘democratic deficit’, already much spoken about in the 1970s. The Welsh Office and the Welsh Development Agency (WDA), the Further and Higher Education Funding Councils were not accountable to the people of Wales. This was what could change with the setting up of an Assembly for Wales. Those controlling the spending of the annual budget, those setting the standards for public services would be directly answerable to the people they served. An elected body would be more responsive to the people and thus ‘better placed to promote economic prosperity and quality of life across Wales’.¹¹

The Government proposed that the Assembly have 60 members, directly elected by the Welsh people every four years. The electoral system would be a mixed system working on the AMS model. Electors would have two votes - one for a candidate for their local constituency and elected by the first past the post system, another for a party list. This meant that there would be a strong element of proportional representation but at the same time local constituencies would be kept. There would be 40 constituency members and 20 additional members - four to each of the five European constituencies, which would be allocated on the basis of each party’s share of the party list votes and the number of constituency seats it had won, following the D’Hondt method.¹²

The White Paper clearly stated that the Assembly would have the power to reduce the number of Welsh quangos, establish their priorities and hold them to account. It would also gradually create the body of law which governs Wales. The basic framework of the law would be set in Westminster Acts of Parliament (primary legislation) within which rules and regulations would be made through secondary legislation - for instance the detail of the school curriculum or the designation of environmentally sensitive areas. The Assembly would also be ‘the forum for the nation’¹³ in so far as it would debate all matters of concern in Wales, not only those which it controlled directly.

The White Paper also set out proposals for the Assembly’s relations with other institutions. It would be a Crown body and ‘Her Majesty the Queen or Her representative would formally open the Assembly after each election’. The Assembly would work together with local government¹⁴ leaving local decisions to

¹¹ *Ibid.*, p. 7.

¹² The Welsh proposal was slightly less proportional than the Scottish one as the proportion was 40:20 in the Welsh case (meaning 33.3% of seats apportioned by PR) and 73:59 in the Scottish case (*i.e.* 44%).

¹³ *A Voice for Wales...*, *op. cit.*, p. 7. (7).

¹⁴ Following the reorganisation of Local Government, responsibility for all the main local authority services in Wales rested with 22 unitary authorities (a single tier).

local people. The Assembly would be responsible for funding local authorities in Wales. This meant that the annual revenue settlement would be transferred to the Assembly, that the Government would remove universal rate-capping (but would retain a reserve power) and that the responsibility for calculating the non-domestic poundage (business rates) for Wales would pass to the Assembly.¹⁵

The relationship with Westminster and Whitehall was straightforward: laws for Wales would continue to be made in Parliament at Westminster and the Secretary of State for Wales would continue to be Wales's voice in the Cabinet. Wales and England would continue to pass new legislation for Wales. Relations with Whitehall Departments would be close for they are responsible for preparing secondary legislation for England on matters which are to be dealt with by the Assembly in Wales. Under the White Paper proposals Wales would have a new relationship with the European Union. The Assembly would be able to keep UK delegations in Brussels informed of its views and of the needs of Wales. 'It will liaise with the Secretary of State to make the necessary practical arrangements.' The Assembly would take over the Welsh Office's responsibilities for administering the European Structural Funds in Wales (grants of 'about £1,280 million in the five years 1999-2000').¹⁶ Wales would thus determine the priorities for European funding. Like Westminster, the Assembly would have the opportunity to scrutinise relevant proposals coming before the Council of Ministers as well as other important EU documents. It would have an obligation to ensure the implementation and enforcement of relevant EU obligations. Should it fail it would be liable to meet any financial penalties the EU imposed. Finally the *Government of Wales Act* would give the Assembly some new functions so that it could manage its own affairs. The Assembly would then be able to make decisions about who would be disqualified for membership of it; it would be able to determine the salaries and allowances of its members and it would appoint its own staff.

II. The Devolution Referendum for Wales

Devolution plans were a key part of Labour's 1997 election manifesto. They set out the most important constitutional, territorial change since the partition of Ireland in 1922. The referendum on the proposal for a National Assembly took place on 18 September 1997, a week after the Scottish vote. The 'Yes' campaign was led by Labour in conjunction with the Liberal Democrats and the Welsh nationalist party, *Plaid Cymru*. It was opposed by the Conservative Party, which had lost all its seats in both Wales and Scotland in May 1997.

In 1979, voters were asked to vote either in favour of or against the proposal for a Welsh Assembly - 'Do you want the provisions of the Wales Act 1978

¹⁵ The Assembly would however be restricted for poundage which, in accordance with primary legislation, cannot be increased by more than the Retail Prices Index and can only be set at a lower level by Treasury order.

¹⁶ *A Voice for Wales..., op. cit., p. 21. (7)*

to be put into effect?' Should the proposal be approved, the national government would introduce legislation to set up a Welsh Assembly. On March 1, 1979, only 20.3% of voters had supported the creation of a Welsh Assembly on a 58.8% turnout.¹⁷ Devolution legislation had therefore to be repealed by Westminster. On 26 June 1979, the draft order to repeal the *Wales Act* was laid before each House of Parliament. It was approved by 191 votes to 8 in the House of Commons and on 26 July 1979 the Order in Council for the repeal was made and enforced immediately.

In 1997 the population of Wales stood at 2.9 million, just 4.95% of the United Kingdom population. The number of eligible voters in the 1997 referendum was 2,226,923. An ICM poll published in *The Guardian* on 10 September 1997 showed support at 37%, opposition at 36%; 27% were still undecided. Further questioning found that those who were hesitant were marginally more likely to vote 'Yes'. The fear therefore was that a low turnout would be likely to produce a 'No' vote. It was perhaps because the result was more likely to be positive in Scotland that the Welsh referendum was organised on 18 September, a week later than in Scotland. The Government hoped that the results in Scotland would incite the Welsh not to be left behind. Turnout was nonetheless low on the day (50.1%). The voting for a Welsh Assembly varied in percentage from 32.1% in Monmouthshire to 66.55% in Neath and Port Talbot (See Appendix)

	The final result	% of votes cast
I agree that there should be a Welsh Assembly	559,419	50.3
I do not agree that there should be a Welsh Assembly	552,698	49.7

The most Western counties and the mining valleys and industrial areas of the South (Rhondda, Merthyr Tydfil, Caerphilly, Blaenau Gwent) which are Labour strongholds had a majority of 'Yes' votes.

The Government of Wales Act

The *Government of Wales Bill* was introduced into the House of Commons on 25 November 1997 and received its first reading on that date. The Bill implemented the proposals outlined in the White Paper, *A Voice for Wales*. It contained the power to transfer the Secretary of State's powers to the National Assembly for Wales. As previously declared by the Government, the Secretary of State would be obliged to consult the Assembly about the Government's legislative programme. The National Assembly would have no tax-raising powers and no law-making powers. It would however be able to amend or to adapt legislation from

¹⁷ The 'Yes' vote amounted to 11.9% of the registered voters while the 'No' vote amounted to 46.9% (79.7% No; 20.3% Yes when looking at those who actually voted). Not a single Welsh county voted yes, the highest score being registered in Gwynedd (but even in Gwynedd, there was a 2 to 1 proportion against devolution). There were large majorities against devolution in North and West Wales as well as in some English-speaking parts. On 3 March 1979, the *Daily Telegraph* published an article entitled 'Black eye and a half for Labour devolution plan'.

Westminster by way of secondary legislation. The Bill also made provision for reforming Welsh quangos, a great source of discontent in Wales, ever since the 1970s. The Bill lay down the electoral system - as proposed in the White Paper, the AMS system would be adopted. The White Paper proposed that the Assembly adopt a local government committee structure for the National Assembly. The Government listened to criticisms that this system could diffuse accountability and decided to move towards the Westminster Cabinet system. The running costs of the Assembly were outlined in the Explanatory and Financial Memorandum to the Bill and were estimated at between £15m and £20m a year. Once established, the Assembly would manage its own costs from the budget made available to it.

The Second Reading of the Bill took place on 8 December 1997. Much discussion centred on the weakness of the executive devolution being offered. Although they had opposed the Assembly during the referendum campaign, several senior Conservatives, such as Sir Wyn Roberts, a former Welsh Office Minister, now recognised that in order to work properly the Assembly should have more power. Without legislative devolution the National Assembly would be unable to effectively develop separate policies for Wales. Without tax-raising powers the National Assembly would have no fiscal accountability to the Welsh people. It would be solely dependent on the block grant from London. As a result the National Assembly probably would not provide for a lasting constitutional settlement. For many it was seen as the start not the conclusion of the devolution project.

There were three broad areas where the Assembly would be able to exercise functions which would affect England or parts of it. First, functions relating to the Welsh language and Welsh culture. The Assembly would be the only body with expertise to handle these issues. For instance it could promote the teaching of Welsh in schools in England or elsewhere. It would also have functions relating to the water industry. Water companies' areas of operation are not divided along the land border between England and Wales, but along natural watersheds. So *Dwr Cymru* supplies water to most of Wales, plus the parts of the Dee and Wye valleys lying in England, while Severn Trent supplies the parts of the Severn valley lying in Wales. The Government proposed that the Assembly be responsible for all areas of *Dwr Cymru's* operations, while UK Ministers remained responsible for all areas of Severn Trent. Thirdly certain other issues - such as land drainage - could not be divided either along the border. In these cases the Assembly would normally act jointly with the relevant UK Minister. To protect the interests of residents of England, the *Government of Wales Act* provided that any subordinate legislation covering parts of England, made by the Assembly, including any it made jointly with UK Ministers, should be approved by Westminster before it came into force. The Act also envisaged what measure the UK could take if the Welsh Assembly acted in a way as to harm the interests of those residing in England. It was suggested that either UK Ministers should be able to carry on exercising these functions in Wales (alongside the Assembly) or in exceptional circumstances that Ministers should be able to intervene to stop the Assembly acting in a harmful way.

The setting up of a National Assembly for Wales with the *Government of Wales Act 1998* was hailed by the Welsh Nationalists as a momentous victory. Even though the Welsh people were not granted a Parliament as in Scotland, this marked a new dawn for Wales as Gwynfor Evans, a former president of *Plaid Cymru*, was quick to point out in the conclusion of a book published after the 1999 National Assembly Elections (6 May 1999):

Throughout her long history Cymru has fought with her back to the wall without certainty of survival. Today we live in an unusually hopeful period. There is confidence that our nation will live, that Cymru has a national future and that her great potential will be realised. The day of national freedom is dawning.¹⁸

III. The Welsh Elections of 1999

The election campaign which ran from early April was singularly uninspired. Very little campaign activity was detectable in terms of posters and stickers. Party leaflets were distributed, their content predictable and unexciting. Wales had a problem in that the English national press accords little coverage to Wales while 40% of the Welsh do not read a Welsh newspaper nor watch Welsh television.

Plaid Cymru produced a manifesto entitled *Working for the New Wales*, a 40-page document, which lay the emphasis on four areas of responsibility in which the National Assembly would have to succeed - 'An economic development for Wales', 'A Welsh National Health Service', 'A Strategy for Arts, Culture and Heritage', 'The Welsh Language'. A chapter on 'Europe' was added as *Plaid Cymru* hoped that they would eventually find their 'own voice' in their 'European home'. It therefore welcomed the strengthening of the role of the European Parliament and the Committee of the Regions. In their first chapter, *Plaid* asserted that their policies would 'reflect Wales' priorities, but with a strong awareness of global, European and British needs and realities'.¹⁹

The dull campaign was occasionally made more interesting by unrealistic proposals. The Welsh Labour Party came out in favour of £6 per hour minimum wage and the reopening of deep-mine collieries in South Wales. The Liberal Democrats wanted to abolish prescription charges and *Plaid Cymru* wanted a new Welsh baccalaureate to replace 'A' levels. Labour continued to base its appeal on more spending on health and education as it had done in the 1997 General Election and the Conservatives were forced, since they were opposed to the setting up of an Assembly in the first place, to emphasize what they considered the discrimination against non-Welsh speakers. Rod Richards in Gwynedd went as far as to speak of 'linguistic apartheid'. The biggest surprise of the campaign came with the launch of

¹⁸ EVANS, Gwynfor, *The Fight for Welsh Freedom*, Talybont, Y Lolfa, 2006 (2000), 3rd impression, p. 176. Gwynfor Evans fut président du parti du 1er août 1945 au 31 octobre 1981.

¹⁹ *Working for the New Wales*. Chapter 1, p. 1, 'Governing Wales'. The Manifesto of *Plaid Cymru* - the Party of Wales, Cardiff, 1999, sp. (40 pages in English and 40 in Welsh).

the *Plaid Cymru* manifesto on 12 April. It seemed that the party had dropped its demand for independence for Wales. Argument raged back and forth within the party. Dafydd Wigley, the President of *Plaid Cymru*, insisted that the party had always argued the case for ‘securing self-government and not independence’ (*Western Mail*, 22 April 1999) whereupon some *Plaid Cymru* councillors in Gwynedd threatened to leave the party. The Labour Party jumped at the opportunity to criticize its rivals and produced a booklet entitled the ‘A-Z of Nationalist Madness’. This in turn caused dispute within the Labour Party, some of whose members feared it might turn Welsh electors against them.²⁰

Plaid was clearly determined to win over disaffected Labour voters. Not only did it drop ‘independence’ as an objective, it also re-baptised itself ‘the Party of Wales’, thus distancing itself from the notion that it was a party of Welsh speakers. *Plaid* also insisted on the similarity between the Conservatives and New Labour, the latter being accused of having ‘chosen to become the party of middle England’.²¹ The final nail planted by *Plaid* in the Welsh Labour Party coffin was the fear that Welsh Labour would be directed from Downing Street as had already happened with the choices of Ron Davies, then Alun Michael as Welsh Labour leaders rather than the popular maverick Rhodri Morgan.²²

Turnout

The Government was not convinced that turnout for the Welsh Assembly elections would be high on 6 May 1999. Turnout in the referendum had been low already (50.1%) and it showed that the whole issue did not mobilise a significant number of electors. In addition voters would have for the first time to use a new voting system. The Government therefore decided to encourage voters to take part in the election by launching a year-long information campaign before the elections were to take place.

Wales is a country where coverage of the electorate is far more difficult than it is in England, first because of different existing communities, but also because of the incomplete coverage of commercial radio, the overlap of television coverage from transmitters located in England and the regional nature of newspapers combined with high readership of UK titles. To overcome these difficulties a complex integrated campaign was designed using various media.²³ In

²⁰ Paul Flynn, for example, strongly criticized his party for having hammered the Nationalists, thereby increasing their popularity. Targeting Dafydd Wigley, a popular politician, proved in the end totally counter-productive. Cf. FLYNN, Paul, *Dragons Led by Poodles, The Inside Story of a New Labour Stitch-up*, London, Politico’s, 1999, p.138-39.

²¹ Dafydd Wigley in the Foreword to *Working for the New Wales*, *op. cit.* (19).

²² Ron Davies was elected Welsh Labour Leader on 19 September 1998; Alun Michael was elected as his successor on 20 February 1999. Both leadership elections were seen as contentious as an electoral college was created for each election by the party. For a detailed account of the leadership elections, see MORGAN, Kevin & MUNGHAM, Geoff, *Redesigning Democracy. The Making of the Welsh Assembly*, Bridgent, Seren, 2000, pp.120-48, ‘A Question of Leadership’. For a more incisive insight see FLYNN, Paul, *op. cit.* (20).

²³ £2 million were spent on a public awareness campaign.

addition, all the conventional means were used: advertising, exhibitions, the Internet, a telephone helpline. The campaign was run in three phases, each of which had a specific objective: first to raise awareness, second to inform people about the Assembly's role and third to explain the voting system. The whole campaign was monitored by research commissioned by the Welsh Office: NOP conducted a pre-election (January 1999) and post-election (May 1999) quantitative survey (both stages were conducted across Wales by telephone interviews with 2,000 adults aged 18 and over).

There are two ways of estimating the effectiveness of the campaign with regard to the results. It can be considered relatively ineffective since turnout in the referendum (50.1%) was higher than in the National Assembly elections (46.3% for direct seats, 46.1% for top-up seats). There were however wide differences in turnout, from 32% in Alyn and Deeside to 61% in Carmarthen East and Dinefwr. The largest turnouts were all in Welsh-speaking areas where *Plaid Cymru* was campaigning hard. But overall the campaign had not brought out more voters in Wales. Having said that, if one looked at the number supporting a National Assembly in the referendum, they only represented 25%.²⁴ So with a turnout of over 46% for the National Assembly, this represented an 86% improvement over the number voting Yes in the referendum. Another yardstick that reinforced the notion that the campaign had been effective was the participation in the European elections the following month - turnout was 20 points of percentage lower than the number taking part in the Assembly elections. The UK turnout was the lowest in the 15 EU Member States. Far from being ineffective, the Assembly campaign increased the level of support for the Assembly, with 1 in 8 of 1997 'No' voters supporting it. Awareness of the new voting system also increased, from 30% to 62% between January and May 1999.

One interesting but not unexpected fact revealed by the surveys was that there were no significant differences in favourability of the National Assembly by sex, age, class, ethnic group or religion. However, Welsh-speakers were much more in favour (69%) than those who could only speak English (48%); and Welsh identifiers were also more positive (63%) than British (4%) or English identifiers (37%).²⁵ Looking at the voting behaviour of different groups in the Welsh population, the voter profile shows that turnout increased with age from 31% to 56%. It also showed that those who could not speak Welsh well were more likely to vote (57%) than those who only spoke English. The least participatory were the under 35s (31%) and English identifiers (37%). Motivations for voting and non-voting showed that the overwhelming reason for voting (42%) was concerned with duty ('will always vote/it is my duty to vote'), followed by a desire 'to have a say on who represents me' (26%) and 'must use one privilege (to vote)' (18%). A number of responses linked voting with this specific election: 'to give Wales a voice' (18%), 'I believe in an Assembly' (13%), 'because I'm Welsh' (3%). There was little variation

²⁴ We are relating here the number of 'Yes' voters to the total number of voters eligible to vote i.e. 559,410 to 2,226,923.

²⁵ Welsh election tracking surveys. National Assembly of Wales, 1999, p.6.

by demographic groups or by region. Welsh speakers and to a lesser extent Welsh identifiers were however more likely to link voting to this election.²⁶

All the political parties expressed disappointment that only 46% of Wales's 2.2 million voters turned out to vote. The turnout was well short of the 60% Labour had wanted to give the Assembly greater credibility. But it was still superior to the turnout in local elections in England and Wales. Psephologists were particularly interested in seeing how voters behaved when they had the opportunity to vote for a list as well as for a person. In Wales, all voters made use of their two votes. Jonathan Bradbury, David Denver and Iain McAllister noted that the unfamiliar electoral system did not discourage voters from casting their two ballots.²⁷ Another interesting question was to know whether voters voted tactically as far as the lists were concerned. Should a voter calculate that his or her preferred party was likely to win enough constituency seats to make it unlikely that it would gain any more seats by the list top-up system, did he or she decide rationally to vote for a different party in the list voting? All the political parties urged voters to vote for them twice over. An analysis showed that voters for the major parties did so. However, the decline in Labour list voting was greater than that of other parties which was not surprising since Labour was expected to take almost all the constituency seats in each region. This rationality was borne out by the fact that the difference between constituency and list voting was lower in Mid and West Wales and in North Wales - the two regions where Labour did not hold all the parliamentary constituencies.²⁸ It must however be remembered that the analysis is confined to an analysis of transfers between different parties and some of these may not be visible because some transfers cancelled one another out.

Voting for the Welsh Assembly

The hybrid AMS proportional system gave each elector two votes. The first vote was for a constituency candidate in each of the 40 current Westminster seats, using the first past the post system. Labour had hoped to do well after the good results of the 1997 General Election. But it lost 5 seats to *Plaid Cymru*. *Plaid* took the rock-solid South Wales Labour seats of Llanelli (42.2%), Rhondda (48.7%), and Islwyn, Neil Kinnock's former constituency (42%). In Caernarfon, an expected victory, the *Plaid* leader (Dafydd Wigley) won with a very large majority (65.8%). Labour also lost Cardiff Central to the Liberal Democrats (42.3%) and Monmouth (40.8%) to the Conservatives, giving the party its only victory.

²⁶ *Idem*.

²⁷ 'The State of the two Nations : an Analysis of voting in the Scottish Parliament and Welsh Assembly Elections 1999', *Representation*, vol. 37, n°1 (Summer 2000). Also see the article by JONES, Richard Wyn & TRYSTAN, Dafydd, 'A "Quiet Earthquake": The First National Elections to the National Assembly for Wales', Oxford, CREST, Working Paper 85 (September 2000); [on line] <http://www.crest.ox.ac.uk>.

²⁸ *Ibid.*, p. 12.

The results were as follows

Parties	Constituency contests	
	Share of votes (%)	Seats won (number)
Conservative	15.8	1
Labour	37.6	27
Liberal Democrat	13.5	3
<i>Plaid Cymru</i>	28.4	9
Others	4.7	0

The second vote was used to elect members from top-up regional party lists. Four Assembly members were elected from each of the 5 Welsh regions, used for returning members to the European Parliament.

Parties	Results of Regional Lists	
	Share of votes (%)	Seats won (number)
Conservative	16.3	8
Labour	35.4	1
Liberal Democrat	12.4	3
<i>Plaid Cymru</i>	30.3	8
Others	5.6	0

Only in Mid and West Wales did Labour qualify for a top-up seat, which went to Alun Michael who had entered the election too late to fight for a constituency seat. *Plaid Cymru* also did well on the second vote, gaining 8 more seats; six of them came from the South Wales region. The results of the election in Mid and West Wales region have been analysed by Jonathan Bradbury²⁹ and the table he produced clearly shows how the list votes are apportioned.³⁰

List seats are apportioned according to the calculation of the number of votes for each party in the region divided by the number of seats won by the party plus one. The party with the highest score after the calculation wins the list seat. For the apportionment of the first seat in each region the calculation is based on the number of constituency seats won in the region but as list seats are apportioned, the calculation for the second, third and fourth seats then take the new top-up seats into account. Votes for other parties are not included in the calculations here.

²⁹ ‘Labour’s bloody nose’, *Politics Review*, vol. 9, n°2 (November 1999) pp. 6-9.

³⁰ At each round, the party with the highest number wins. The party which has just won the seat then increases its divisor by one and a new result is calculated and then compared to the results of other parties. The party with the highest number wins again and the cycle is repeated until all additional (*i.e.* top-up) seats have been apportioned in this way.

The result of the list election Mid and West Wales, 1999

Winner	Con	Lab	LibDem	PC
Constituency				
Seats won	0	2	2	4
List votes	36,622	53,842	31,683	84,554
First divisor	1	3	3	5
First seat (Con)	36,622	17,947	10,561	16,910
Second divisor	2	3	3	5
Second seat (Con)	18,311	17,947	10,561	16,910
Third divisor	3	3	3	5
Third seat (Lab)	12,207	17,947	10,561	16,910
Fourth divisor	3	4	3	5
Fourth seat(PC)	12,207	13,460	10,561	16,910

The Mid and West Wales electoral region was of enormous interest on results day because of Alun Michael's involvement. He chose to stand for a list seat here because it was the region where the Labour party was likely to win fewest constituency seats and therefore would probably be eligible for a list seat. In practice, had Labour rather than *Plaid Cymru* won the apparently safe seat of Llanelli, Labour and Alun Michael almost certainly would not have won a list seat. Had they won both Llanelli and Carmarthen East, defeat for Michael in the list section would have been certain. By such a twist of fortune did Labour avoid the double blow of failing to win a majority and of losing their leader.

It was in fact the Conservatives who benefited most from the top-up system. Their vote was fairly evenly spread so that they were able to take 8 top-up seats: 2 in South Wales Central, Mid and West Wales and North Wales; 1 in South Wales West and South Wales East, including one for their controversial leader Rod Richards who was still at loggerheads with the defeated leadership contender Nick Bourne who won a list seat in Mid West Wales. Richards subsequently resigned and was succeeded by Bourne.

Elections tend to polarise opinion, to shake up the party system and this was no exception. The Assembly Elections reinforced and rekindled the struggle between the Welsh Labour Party and *Plaid Cymru*. Labour established itself as the major political party in Wales in 1922 and has since then dominated much of Welsh political life. The Welsh Labour Party was firmly behind the setting up of the Assembly. Yet in the event, it failed to get an overall majority in the Assembly, capturing only 28 of the 60 seats with a 36.5% share of the total vote. For Labour the results were extremely disappointing. It was the first time since 1983 that an election vote in Wales fell below 45%. It was all the more disappointing as the opinion polls in the days before the election were still indicating a narrow majority of seats for Labour. Labour still remained however the largest party in Wales, 3

seats short of an absolute majority, and therefore formed a minority administration.

For *Plaid Cymru* the election was an outstanding success, the best to date in terms of seats. The party polled more votes than ever before (29.5%) and entered the Assembly as the major opposition party, with 17 seats. For the first time it established itself in South Wales (with 2 constituency seats and 6 top-up seats), having widened its appeal by playing down the desire for independence and showing its detachment from the Welsh language as it stood as ‘the Party of Wales’. Conditions had been optimal for Plaid as it reaped the benefits of voters’ disillusion with New Labour, internal strife within the Welsh Labour Party and dissatisfaction with local conditions in Wales. The result was a swing as high as 35% in some constituencies enabling Plaid to take traditional Labour seats in South Wales. However, the task for the Party Leader, Dafydd Wigley, was then to keep united the Plaid members of the Assembly who ranged from left-wing Welsh speakers to more conservative non-Welsh speakers from South Wales. Plaid’s electoral fortunes were excellent since it managed to consolidate its position in Wales, a month later, by securing 2 out of the 5 seats at the European Elections (2 for Labour and 1 for the Conservatives). The minor parties which contested the election - the Green Party, the Socialist Labour Party and the Socialist Alliance - were all unable to achieve any breakthrough.

Following the poor results of the elections for the Assembly, there were many recriminations in the Welsh Labour Party. Divisions within the party became apparent as words such as ‘complacency’ and ‘arrogance’ were branded about. More serious was the reaction against the imposition of a Welsh leader by the central Labour machine in Millbank Tower, in other words by Tony Blair, accused of ‘control freakery’ or ‘cronyism’. In 1998 once Alun Michael, MP for Cardiff South, had become Welsh Secretary (27 October), he had announced his intention to stand for the Welsh Labour Party leadership. He was backed by Tony Blair. Rhodri Morgan, MP for Cardiff West, also intended to stand and argued for a one-member-one-vote election. Had such a voting system been used, Rhodri Morgan would most probably have won the contest. However, the Task Force appointed for the occasion decided upon an electoral college (an electoral system similar to that used for the Labour Party leadership) made up of three sections, each casting a third of the vote. Section 1 was made of 84 ‘Party Units’, each member having one vote (OMOV)³¹; Section 2 was made of affiliated bodies (mainly trade unions - UNISON, TGWU, GMB, AEEU making up a good share of the vote) who had to decide how they would consult their members; Section 3 included Welsh Labour MPs, Welsh Labour MEPs and approved Assembly candidates for the Welsh Assembly³². Thanks to the system, Alun Michael won the leadership contest in the Assembly

³¹ *Redesigning Democracy*, *op. cit.*, p. 124 (22). These units comprised ‘40 CLPs, 5 Euro-Party constituencies, 22 County Labour Parties and 17 Women’s Councils’.

³² A special conference to publicise the results was organised in Cardiff, at St David’s Hotel, on 20 February 1999.

even though Rhodri Morgan obtained two-thirds of the vote in the party members' section.³³

The victory of Alun Michael was seen by many of the rank and file as a manoeuvre directed from Downing Street. Voters in South Wales had voted New Labour to get the Conservatives out but they were not devoted to Blair and many decided either to abstain or to cast their votes for another party in order to show the Prime Minister that they were not under his thumb. Labour's campaign was in fact not very adroit. After the election it was thought that there would be a Labour-Liberal Democrat coalition in the name of inclusiveness and unity but many Labour members were hostile to a coalition and the Labour leader, Alun Michael, decided to form a minority administration. The lack of a clear majority or even a formal coalition would incline Labour to seek consensus with other parties.

Another argument used to explain Labour's relative defeat was the party's relationship with *Plaid Cymru* which was perceived as too close; 'partnership' had, it was claimed, led to the reinforcement of the traditional enemy. The election proved interesting in another respect as over a third of Assembly members were women thanks to the mixed system which encouraged voters to choose both men and women. In Wales, just 7 of the 248 MPs who sat between 1918 and 1997 were women.³⁴

IV. The Aftermath

At the beginning of the year 2000 devolution dominated the news again. The subject was the tensions between the centre and the Assembly. The problem was symbolised in Wales by the leadership style of the First Secretary, Alun Michael, who was 'widely criticised as contrary to the inclusive politics the Welsh Assembly was supposed to foster'.³⁵ In a speech in January, the former Welsh Secretary, Ron Davies, had criticised the political culture of the Welsh Assembly and called on all parties to show a more cooperative spirit in an attempt to make devolution work. This was seen by some in the party as a disloyal attack on Alun Michael.

What had given rise to Davies' call? At issue was the problem of the matching of funding by the Treasury with regard to the programme for West Wales and the Valleys. *Plaid Cymru* demanded that the Treasury give an assurance of matched

³³ The results were as follows - 52.68% for Alun Michael and 47.32% for Rhodri Morgan. The block vote in the union section had tipped the balance in favour of Michael (63.96% against 36.04%) while the situation was reversed to the advantage of Morgan in the Party member section (64.35% against 35.65%). Interestingly, the block vote had disappeared from the Labour Party Leadership election of 1994 (which Tony Blair had won) following John Smith's reforms at the Autumn Annual Conference of 1993. But Morgan had also lost in the other section of the college controlled by the party heavyweights - the MP/MEP section with 41.57% against Michael's 58.43%. See *Redesigning Democracy*, *op. cit.*, p. 147 (22).

³⁴ *The Independent*, 6 May 1999. By 2003, there were equal numbers of men and women.

³⁵ *The Monitor*, The Constitution Unit Bulletin, Issue 10, March 2000, UCL, London.

funding and since this was not forthcoming when the Assembly was to vote in early February, a motion of no confidence was tabled. Alun Michael resigned dramatically just before the vote. The motion was carried by a narrow margin: 31 votes to 27. Rhodri Morgan, Michael's defeated rival for the Welsh Labour leadership, was appointed acting First Secretary. He was confirmed in the post by the full Assembly a week later. He brought new faces into the Cabinet and created, according to *The Guardian* (23 February 2000), the first female dominated cabinet in Western Europe. Meanwhile, the public was far from satisfied with devolution. Two-fifths of the public considered it a failure, and half believed it had achieved nothing for Wales. Labour - seen as responsible for the whole affair - slipped from second to fourth place in the Ceredigion parliamentary by-election held on 3 February 2000, which was won by *Plaid Cymru*.

Ceredigion Results (%)

Parties	By-election	General election	Change
Conservative	16.5	14.9	+1.6
Labour	14.4	24.3	-9.9
Liberal Democrat	23.0	16.5	+6.5
<i>Plaid Cymru</i>	42.8	41.6	+1.2
Turnout	46.0	73.9	-27.9

The deep-rooted problems of the Welsh Labour Party were not solved by the change of First Secretary, nor were the problems of the Welsh Assembly. The Treasury maintained that it could not make any commitment to matching funding before the Comprehensive Spending Review in July even if the delay meant that Wales might lose some of the European Union funds available.

In February 2000 Tony Blair suffered his biggest parliamentary embarrassment since becoming Prime Minister when the resignation of Alun Michael,³⁶ his personal choice to head the Welsh Assembly, was made public in the middle of Question Time. According to the *Daily Telegraph* (10 February 2000), 'Moments after Mr Blair had endorsed Mr Michael, saying he was doing an "excellent job", Tory MPs received a pager message telling them that he had stepped down as First Secretary'. Tory MPs shouted 'He's resigned' and Tony Blair, caught off-guard, tried to sidestep questions. Some MPs believed he had known but could not bring himself to acknowledge that the candidate he had imposed on the Welsh Labour Party had been forced out. William Hague taunted the Prime Minister over the crisis in the Welsh Assembly and hoped he would not seek to 'impose' another First Secretary on Wales. The Labour leadership moved to resolve the crisis by endorsing Rhodri Morgan as Alun Michael's likely successor. The vote of no confidence in Alun Michael was triggered by his failure to secure guarantees from the Chancellor to match EU funding for deprived areas of Wales. It brought to a head long-running resentment within Wales over the way Alun Michael, a leading

³⁶ Alun Michael fell from office on 9 February 2000 but officially resigned from the Assembly on 16 March 2000.

Blairite, was parachuted into the Welsh job after Ron Davies had stood down following his ‘moment of madness’ on Clapham Common.³⁷

The setting up of a Welsh Assembly has satisfied some but has irked two large groups - those who were not content to see any measure of devolution and those who saw no reason why Wales should only have an Assembly while Scotland enjoyed a Parliament. Tony Blair’s hold on Labour’s levers of power came under attack in Wales when he paid a visit to Wales and was dogged by activists demanding that he stay out of the contest to seek a leader for the Assembly. Opposition attacks on his ‘control freak’ tendency were beginning to hurt the party in its heartlands.

By 2003, the situation had improved for Labour as the 2003 Assembly Elections proved to be very disappointing for *Plaid Cymru*. Of the 17 seats (out of 60) it had won in 1999, it only managed to keep 12. Llanelli was lost by 21 votes. So was Conwy with a Labour majority of just 72 votes. The turnout showed how the Welsh regarded Assembly elections - 38.1% - 8 points down on the 1999 turnout. In 2007, *Plaid Cymru* managed to improve its score by increasing its members to 15 and by obliging Labour to enter into a coalition with them,³⁸ something it had not succeeded in achieving the first time round in 1999 when Labour eventually made a coalition with the Liberal Democrats. With the new *Government of Wales Act 2006* (c. 32), the Welsh Assembly has the potential to become a fully-fledged Parliament like its Scottish neighbour, all the more so as the Conservative leader, David Cameron, is currently investigating through a committee chaired by Sir Wyn Roberts the possibility of increasing the powers of the Welsh Assembly while the Labour leader, Gordon Brown, is speaking of increasing devolution. Such an evolution will prove crucial to the status of devolution elections as first or second order elections.

³⁷ Clapham Common is a well-known area in London for gay pick-ups. Ron Davies officially resigned on 27 October 1998. The phrase ‘moment of madness’ had been coined by Alistair Campbell for use by Ron Davies to soften the blow for Labour.

³⁸ On 27 June 2007, *Plaid Cymru* signed an Agreement with the Welsh Labour Party. Their respective leaders were Ieuan Wyn Jones and Rhodri Morgan. The Agreement was entitled *One Wales - A Progressive Agenda for the Government of Wales*.

APPENDIX

THE WELSH ASSEMBLY REFERENDUM RESULTS

County	% voting Yes
Anglesey	50.90
Flintshire	38.20
Denbighshire	40.77
Wrexham	44.28
Aberconwy and Colwyn	40.92
Gwynedd	64.08
Powys	42.66
Pembrokeshire	42.79
Carmarthenshire	65.28
Cardiganshire	59.20
Swansea	51.96
Neath and Port Talbot	66.55
Bridgend	54.39
Rhondda Cynon Taff	58.47
Merthyr Tydfil	58.21
Caerphilly	54.70
Blaenau Gwent	56.09
Monmouthshire	32.10
Torfaen	49.84
Newport	37.44
Cardiff	44.37
Vale of Glamorgan	36.74