

# A sovereign Wales in an isle-wide confederation

by Glyndwr Cennydd Jones

Autumn 2020

This piece is conceived as a reflection on my constitutional writing over recent years and particularly how I came to settle on a model of a League-Union of the Isles which has gratifyingly attracted some attention.

My first essay, **Towards Federalism and Beyond** (June 2016), was a swift response to the outcome of the Brexit referendum, highlighting the challenges facing today's Wales in economic and social terms. It advocated the immediate need for a campaign to redefine the UK as a federation so that those competences returning from the European Union (EU) could be suitably allocated to the nations, along with other much needed reforms to the arrangements underpinning devolution.

## *Devolution*

It was Ron Davies, former Secretary of State for Wales, who said, before the dawn of the Welsh Assembly in 1999, that 'devolution is a process not an event.' Since then, Wales has experienced executive devolution with secondary law-making powers from 1999 to 2007, executive devolution with enhanced secondary powers between 2007 and 2011, legislative devolution under a conferred powers model from 2011 to 2018, and legislative devolution under a reserved powers model from 2018 to the present day. During this period there have also been three Scotland Acts, each augmenting powers north of the border. Nevertheless, England continues to be omitted from the devolution reforms without its own discrete national parliament.

Today, Wales and Scotland hold legislative competence over all matters not explicitly reserved to Westminster, which implies a form of federalism, but without the usual sharing of sovereignty across parliaments. The statutes founding the devolved institutions are analogous to the constitutions regulating federal systems, both providing for and limiting powers of the legislatures and administrations, and dividing responsibilities between the territories and the centre. Established by approval through referenda, the parliaments in Cardiff, Edinburgh and Belfast hold a measure of political entrenchment which has legal foundation in the Wales Act 2017, Scotland Act 2016 and Northern Ireland Act 1998, confirming devolution as a permanent component of the UK constitution, and detailing that the UK government will not normally introduce bills in Westminster to legislate on devolved spheres of competence. Still, Brexit challenges this.

More broadly, as highlighted by Dr. Andrew Blick in his article *A United Kingdom Federation: The Prospects* (Federal Union 2018), the Human Rights Act 1998 partly reflects the Bill of Rights existing in most federal systems, while the UK Supreme Court operates several roles associated with a similarly titled body in a federal jurisdiction. The Joint Ministerial Committee, though found wanting in its application, somewhat replicates a federal mechanism for states to participate in important central decision-making. Despite this constitutional scaffold, the Senedd in Wales remains an institution lacking true influence and power. The customary argument that parliamentary sovereignty should rest solely at Westminster is under question.

The 'Towards Federalism' component of the essay's title was a pragmatic acknowledgement of what could actually be achieved in the short to mid-term. However, it was mostly understood that the 'and Beyond' element had more significance than simply echoing the catchphrase of a well-known Hollywood film franchise.

**A Constitutional Continuum** (December 2016), my second essay, explored the developing momentum for change and reform amongst many academics, politicians and the public at large, specifically investigating potential models of governance based on partnership principles.

#### *Federalism*

In a federation, sovereignty is shared between central and constituent national or state governments. Each level has clearly articulated functions, with some powers pooled between them, but none has absolute authority over the others. An individual is a citizen of the central overarching structure and the state within which they reside, participating democratically in electing representatives to the legislative parliaments at both levels of government, usually with a party political system operating across the whole. Central institutions are in place to implement many taxes. Examples of federations include Germany and the USA.

Agreed practices and rules are confirmed through a written constitution, which articulates the division of responsibilities between the federal and state tiers. It identifies those powers assigned to the centre which may typically cover: 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. The remainder rests with the states. The constitution also apportions powers across two chambers of a central parliament. Representation of the states in the second chamber is desirable, allowing a firm place for them to consider laws on behalf of the whole federation, with decisions such as joining or leaving international bodies, and constitutional changes made subject to its approval. The constitution and charter of rights, by which public institutions must abide, are enforced by a Supreme Court.

A federation sets out to provide constitutional clarity and stability across the states, with shared mechanisms in place for advancing joint interests and resolving disputes. It also capitalises on potential for realising some economies of scale in delivering centrally held functions, allowing for a proportional redistribution of the joint prosperity generated by the federal capital to the states. However, in the UK context, questions remain on how England, with approximately 85% of the total population, could be integrated successfully into a federation without causing disputes between both UK and English levels, and also whether the intended benefits of various functions being exercised closer to the people could be realised in such a large unit. England's regions may well be the only practical option for inclusion in a UK-wide federal system.

#### *Confederalism*

A confederation is a union of sovereign member nations that for reasons of efficiency and common security have assigned a limited portfolio of functions and powers to a central body. Confederations are usually established by treaty, in contrast to a federal constitution, addressing crucially shared interests such as internal trade, currencies, defence, and foreign relations. Returned representatives take part in central decision-making processes more in the nature of trustees acting on behalf of their member nation's affairs. National parliaments, not

individuals, are formally represented in central institutions, with people first relating to their member nation and next to the confederation. Collective budgetary funds are raised annually through each member nation's contributions of a defined proportion of their Gross Domestic Product (GDP). The nations operate distinct tax regimes and are free to act unilaterally in all areas, unless centrally assigned. The Benelux Union has developed along these kinds of lines.

In the UK context, a confederal treaty typically enables Westminster to continue as the parliament of England, with a Confederal Assembly established to deliver a limited range of central powers. Each member nation adopts its own institutions within a broad constitutional framework—protecting the integrity of political processes and ensuring fundamental rights—whilst encountering the advantages and challenges of running a sovereign state within what is best summed up as a loose alliance or partnership. A treaty on issues of shared concern aims to mitigate any risks and costs associated with fragmenting previously held joint functions, noting that competitive considerations between member nations inevitably complicate relationships in the context of a confederation.

Two of the more pressing challenges of adopting a pure confederal model concern the matters of large-scale economic management and currency controls. Since the central body is relatively weak, decisions made by a Confederal Assembly require subsequent implementation by individual member nations to take effect. These pronouncements are therefore not laws acting directly upon members, but instead have more the character of agreements between nations, which are always open to challenge and review, creating uncertainty in collective, strategic aims. However, the attraction of a confederation, comprising member nations of radically different sizes, is driven by a view that the UK already has more diversity than is often found in federations.

It was around this time that I stumbled on *Confederal Federalism and Citizen Representation in the European Union* (Western European Politics, Volume 22: 1999 Issue 2) by Professor John Kincaid, which took my developing continuum considerations to more nuanced ground. In a nutshell, the article explains '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.' This find was without doubt a timely piece of good fortune. The realisation had dawned on me that the constitutional choice between federalism and confederalism need not be binary.

My third essay, **A Federation or League of the Isles?** (July 2017) was, as it says on the tin, an in-depth exploration of federalism, confederalism, and more significantly—that possible middle ground—confederal-federalism. Not wishing to alienate the generally moderate elements of both unionism and nationalism to the substance of the proposition, I labelled the model a League-Union of the Isles and embarked on setting out a detailed description of what such a framework might look like, a summary of which follows.

*Confederal-federalism: A League-Union of the Isles*

Devolution involves a sovereign Westminster, in effect, delegating a measure of sovereign authority to the devolved institutions. A League-Union of the Isles turns this constitutional approach on its head, advocating four sovereign nations of radically different population sizes (Wales c. 3.2m, Scotland c. 5.5m, Northern Ireland c. 1.9m and England c. 56m), delegating some sovereign authority to central bodies in agreed areas of common interest.

The model proposes a confederation of Wales, Scotland, Northern Ireland, and England, with aspects of federal-type control built into key policy portfolios to reflect the principles of equality and solidarity among member nations. Each nation holds all powers and rights which are not by treaty delegated to joint institutions, operating distinct legal jurisdictions. The British monarch continues in role as Head of the League-Union of the Isles.

A Council of the Isles acts with mechanisms in place to address the asymmetry between population sizes of member nations, specifically through the composition and distribution of seats. Members of the Council are typically elected for a four-year period by the electors of each nation, convening annually for a fixed time unless urgent business is demanded. The Council assumes its own standing orders, confirming a Presiding Officer and Executive whose Prime Minister and Ministers are responsible for enacting power on specific matters involving defence, foreign policy, internal trade, currency, large-scale economic considerations, and isle-wide affairs.

Each Bill considered by the Council is circulated to the National Parliaments of Wales, Scotland, Northern Ireland, and England, in advance of final reading, with member nations empowered to make objections or suggest amendments before voting. This provides a counterweight to any aspirations of the centre to aggregate power within its core, and to act unilaterally on issues such as defence and foreign affairs. On passing, the Head of the confederation confirms the Bill as an Act of the Council of the Isles. The ultimate authority on the legitimacy of any law and treaty remains with the Supreme Court.

A Committee of Member Nations (comprising the Council's Prime Minister and Minister for Isle-wide Affairs, and the First Minister of each member nation), convenes regularly to discuss more general considerations which demand a degree of cooperation and harmonisation of laws across borders, over and above the key functions enacted in Council. These 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 forecasting; environmental protection; civil defence; emergencies, and the prevention of terrorism and serious crime.

The Committee, with support of the Council, also holds controls for confirming contractual-type arrangements for supplying any requested public services to member nations. To cover the common functions and agreements in place, the Council levies charges upon each member nation according to a defined proportion of their GDP annually relative to that of the League-Union of the Isles as a whole. These monies are paid into a consolidated fund from which the interest on the UK public debt continues as a standing charge. The centre aims to promote equality across all territories by sharing a measure of baseline investment for infrastructure projects, operating formal instruments for resolving disagreements. National Parliaments are discouraged from misusing any advantages they possess in areas of potential contention including, for example, the economy of England, the oil of Scotland, and the water of Wales. Some central responsibility is also assigned for pensions and what is currently termed National Insurance Contributions (appropriately renamed), mitigating elements of financial risk and promoting ongoing solidarity. Further, federal-type mechanisms may be introduced to support fiscal decentralisation from the UK position.

The National Parliament of each member nation sits as the sovereign, legislative and representative body of its people, enacting powers and laws on every issue not identified as the Council's competence. A Government with executive powers, comprising a First Minister and other ministerial positions as required to oversee the various offices, is appointed from the nation's parliamentary members. The superior judges are nominated on the advice of an independent authority. Nations further sub-divide their lands through Acts of National Parliament, defining the composition and responsibilities of local or regional authorities.

*A Federation or League of the Isles?* appeared in a joint booklet with Lord Elystan Morgan, Lord David Owen, Gwynoro Jones and Martin Shipton. The publication was called *Towards Federalism and Beyond* (a perhaps unwise reuse, on my part, of the title given earlier to essay number one), which was launched in September 2017 to celebrate the 20<sup>th</sup> anniversary of the vote to establish the National Assembly of Wales. A second joint booklet, topically named for the time *Brexit, Devolution and the Changing Union*, followed in February 2018. Both documents remain available electronically and are lodged in the libraries at Cardiff Bay and Westminster, where I hope they will stimulate further discussion amongst parliamentarians.

Moving onwards, I had always imagined constructing an argument that would encompass the main drivers and influences of geography, history, industry, peoples and politics on our island story, whilst corraling, researching and synthesising the evidence in a manner clearly to present the case for a constitutional compromise of strategic significance. The resulting essay, my fourth, **These Isles** (April 2019), is a work with which I remain pleased, viewing it as a useful contribution to the developing debate not only in Wales, but in the context of the UK as a whole. The Institute for Welsh Affairs undertook to release the text in four parts during Spring of that year, and the complete piece is accessible [here](#).

In summary, it affirms that most states are synthetic constructs and are subject to change. That said, unitary states face ongoing challenges in acknowledging the partial autonomy and diversity of their constituent nations, especially in cultivating and sustaining a sense of allegiance and belonging to the larger political body. The exposition frames the UK constitutional question as follows.

With many today asserting a multicultural Welsh, Scottish, Northern Irish, or English character along with a form of dual nationality which embraces a British personality, it is reasonable to reconsider the nature of Westminster's parliamentary sovereignty. The pressing issue of our time relates to whether sovereignty, as currently understood, should be shared across these five territorially defined identities (including that of Britain) in a traditional federal arrangement, or instead assigned individually to the four nations—Wales, Scotland, Northern Ireland, and England—which in turn could delegate parts of their sovereign authority to common central institutions of a fundamentally British composition, and/or European.

*These Isles* was followed by the briefing paper **Constitutional Relationships and Sovereignty in these Isles** (September 2019) and its infographic supplement **Illustrated Constitutional Models and Exemplar Principles** (September 2019). They upheld the line of reasoning that Britishness as a concept is much older than the UK and it is unrealistic to argue that the Welsh or Scottish people, in notional independent territories, would start considering the English as fellow Europeans instead of fellow British.

Broadly speaking, British ideals and values are forged by cultural, historic and topographic influences, which usefully bridge the demands of world interdependence and the desire for increased autonomy in the nations. The challenge is to capture these principles in a new constitutional framework which improves arrangements for self-government—through emphasising common respect for human dignity, freedom, democracy, equality, and rule of law—within an isle-wide civic societal structure typified by pluralism, non-discrimination, tolerance, justice, and solidarity. The papers, in essence, summed up the constitutional options as below, and included the more challenging scenario of an independent Wales acting exclusively within the EU, for the purposes of encouraging wider comparative conversation.

- Devolution. A sovereign Westminster delegating some sovereign authority to the devolved institutions.
- Federalism: A partially sovereign Wales sharing sovereignty within a UK Federation.
- Confederalism: A sovereign Wales pooling a few key functions within a British Confederation.
- Confederal-federalism: A sovereign Wales delegating some sovereign authority to a League-Union of the Isles.
- Independence: A sovereign Wales delegating some sovereign authority to the EU.

#### *An independent Wales within the EU*

Wales acting as a sovereign nation within the EU is, in principle, a workable model. However, a practical difficulty rests with Wales's largest trading partner England and its uncertain relationship with Europe. A form of isle-wide constitutional framework is essential to facilitate the necessary economic, political and social understandings, or at least an Atlantic Union, of EU nations, comprising treaties between Wales, Scotland, Northern Ireland, and the Republic of Ireland. In June 2016, the Welsh public effectively voted against EU membership, creating some doubt about the likely political traction of a future sovereign Wales joining the EU, but there are indications the mood may be changing, if only steadily.

Hypothetically, an autonomous Wales could be underpinned internally by five regional authorities partially mirroring the geographical composition of present regional seats for Senedd elections, and constituted by the amalgamation of enclosed principal areas or unitary authorities for local government, and restructuring of other relevant bodies. These may cover: the health boards; police, fire and rescue authorities; and consortia for education, social services, transport, and trunk roads. Enacting Welsh government policy, such authorities would promote economies of scale; clarity in directing long-term planning and delivery; accountability for achieving shared outcomes across geographical areas; improved governance, and increased capacity.

The potential for Wales to act unilaterally outside any European or isles-wide agreements is impossible in the era of enhanced cross-border cooperation, which demands some pooling of sovereignty within supra-national frameworks. It has been suggested that Wales's operational interactions with England could be addressed through a bilateral treaty of sorts, but this approach is likely to prove unsustainable, with uncertainty over collective aims resulting in a drift of capital and employment prospects towards the larger neighbour to the east. The challenge is highlighted in the report *A Constitutional Crossroads: Ways Forward for the UK* (Bingham Centre for the Rule of Law 2015) which highlights that the 'border between England and Wales is crossed about 130,000 times each day' and that '48% of the Welsh

population lives within 25 miles of the border with England.’ The picture as we move into the third decade of the 21<sup>st</sup> century is more complex still.

By December 2019, having recently participated in the joint discussion article *Unionism, Federalism and Nationalism* with David Melding MS and Helen Mary Jones MS for Welsh Agenda magazine, I somewhat accidentally but interestingly found myself acting as a commissioner on Plaid Cymru’s constitutional Independence Commission. Its report *Towards an Independent Wales* (yes, ‘towards’ had become a buzz word) was published by Y Lolfa in September 2020. The model of a League-Union of the Isles informed much of the Commission’s explorations of confederalism and was publicly presented as an option alongside the Benelux model, proposed by Adam Price MS. During summer 2020, I also had the pleasure of liaising with Professor Jim Gallagher on his developing thoughts for *Could there be a Confederal UK?* which is an important paper by a past Director General of Devolution for the UK’s Ministry of Justice.

Reflections aside, I am now actively considering the fundamental ‘nuts and bolts’ of a founding treaty that might hypothetically underpin the introduction of a League-Union of the Isles—for the purposes of promoting deeper debate in 2021. It is timely for me to clearly state on the record why an isle-wide constitutional model of confederal-federalism is a more suitable proposition than that of federalism, a loose confederation, or an independent Wales acting solely within the EU.

### **So, why a League-Union of the Isles?**

This preferred option presents the opportunity to empower the peoples and countries of these isles within an overarching collaborative framework that aims to promote national sovereignty, or ‘independence’, on the one hand, and effective working relationships for key shared interests on the other. To this end, it defines a realistic and sustainable proposition of sovereign nations successfully coexisting in close geographical proximity, whilst firmly recognising longstanding interactions between our peoples and their common journeys through history.

The model is underpinned by the principles of social, economic, defence, cultural, and indeed political, equality and solidarity amid member nations, efficiently tackling our mutual interests, whether regional or global, and empowering each territory to address their own distinct combinations of challenges and needs. In constitutional terms, the new relationship is introduced through a codified confirmation that all powers and rights rest with the individual nations, which in turn delegate or pool a balanced portfolio of strategic functions and objectives to the centre by means of an agreed confederal treaty, with aspects of federal-type controls built into specific mechanisms.

- To sustain our economic union, the proposition assumes a common currency, bank and market, as well as an isle-wide responsibility for macro-economic decision making. This particularly aims to support fiscal decentralisation away from the current UK arrangements with borrowing monitored.
- The social union is maintained through the guarantee of individuals’ rights of movement, residence and employment across all member nations, along with continuation of the British monarch in role as the Head of the League-Union of the Isles.

- In upholding our joint security, the forces of defence and organisation of foreign policy are both held centrally. This is the protective rock on which our shared principles and values, as projected through common, practical functions, can develop, be maintained and prosper.
- The cultural union is supported through official recognition of the extant isle-wide language, English, and those tongues indigenous to each territory. These languages' longstanding contributions to the story of Britain and its new future are formally acknowledged.

In application and execution, the balance of social, economic and defence interests are effectively and efficiently enacted through a limited but mature political union comprising a central Council of the Isles to which individuals elect representatives, in addition to their respective National Parliaments. With usual consideration of legal structures, each territory, operates their own jurisdiction, with a Supreme Court of the Isles acting as the ultimate authority on the legitimacy of any laws and rights which are assigned to the Council by treaty.

This measured equilibrium of selective unions allows empathy for the principle of convergence to be understood and actually realised, to a degree, across the League-Union of the Isles, with individuals relating to their member nation, initially, and to the centre next. A Committee of Member Nations which comprises the First Ministers of the individual territories and the Prime Minister of the Council promotes cooperation, where necessary, on matters that, whilst requiring cross border coordination, are the direct responsibility of the National Parliaments. Further, the sovereign member nations independently hold four seats at the UN General Assembly but aspire to retain, subject to negotiation, the single collective permanent seat on the UN Security Council so as strongly to represent our shared geopolitical and geographical interests at the top diplomatic table, balancing change with continuity.

Therefore, confederal-federalism embeds the values of equality and solidarity within its strategic objectives and practical structures, providing opportunities for these ideals to be reinforced in action through promoting partner members' financial robustness and security going forwards. As a counterweight to any encroachment or misuse of powers in enacting the shared, central functions, and since sovereignty rests with each nation, the right of secession is implicit in the model, subject to appropriate referenda and other treaty-bound checks and balances.

### **Why not a loose confederation?**

The proposition of a League-Union of the Isles clearly contrasts with a looser confederal order focused mainly on successful operation of a common market treaty, where Wales would in effect opt to use the British pound, along with maintaining elements of a social union. In such a scenario, likely facilitated by an Assembly of Member Nations, the driver for meaningful economic union is reduced as the influencing motives for adopting common long-term stances are not complemented by joint political and defence structures. England will likely see no reason to reform the Bank of England and share monetary controls to any consequential extent within this option. The values of solidarity would be weakened, with the principle of convergence having little incentive and traction across the nations.

It could be possible for Wales to introduce its own currency, but this situation would present significant challenges and risks, demanding additional gears and mechanisms to articulate with neighbouring positions. Such a development would 'water down' any firm confederal arrangements

in place and potentially prove the relationship unsustainable, due to the uncertainties around collective aims. It is doubtful that England would agree to a form of unstable confederation, seemingly motivated, at least from Wales's perspective, by the overwhelming desire to ensure some access to its neighbour's greater market wealth.

The peril is that this approach could result, by default, in a sovereign Wales standing separately and suddenly outside any isle-wide and European treaties. Equally, it could lead to a trail of events where the Welsh public sought greater assimilation with England as a counter to the disintegration of an increasingly fragmented relationship—and the consequential economic hardships experienced. The Benelux treaty, which has been suggested by some for confederal consideration, appears appealingly light touch on the surface because it is now established alongside the more substantial EU, of which all Benelux countries are members. In the context of Brexit, it is not possible for obvious reasons to replicate such a framework for Wales, Scotland, Northern Ireland and England today.

Therefore, the option of a loose confederation underpinned by an Assembly of Member Nations, which convenes to agree stances only on matters affecting economic and social unions, does not provide the constitutional traction, public confidence and structural stability required for the values of equality and solidarity to be applied in good faith across the various territories. It is only when elements of the weighty matters of defence and foreign policy are included in the portfolio of shared functions, facilitated by a limited, but meaningful, political union enacted through a Council of the Isles that the proposition coalesces into an effective confederation of depth and longevity.

### **But, a federalist may ask, what is the difference between a League-Union of the Isles and a UK Federation?**

It is the case that many of the central functions map across and, in both models, individuals participate democratically in electing representatives to established legislative parliaments at two levels of government. However, a fundamental difference rests in the nature of decision-making processes underpinning the application of shared functions.

In a UK Federation, a top down model of representational authority remains within an overarching framework of clearly delineated responsibilities assigned to the territories and that of the core, which remains the centre of gravity. This is especially true in party political terms. Like a spider sitting in the middle of a web, there is no mistaking which body both spins and holds the threads. The territories must remain within their bounds, discouraged from taking on a greater role in governing their peoples in time. The umbrella political identity is a powerful construct, likely constraining genuine national development, progress and reform.

In a League-Union of the Isles, on the other hand, the weight of influence and purpose rests with the nations. The centre exists to serve in facilitating the delivery of the common social, political, economic, defence and cultural aims, as already outlined. Individuals elect representatives to take part in central policy decision-making processes mostly on behalf of their member nations' interests.

A federal solution, such as the one proposed by the Constitutional Reform Group (CRG), acts only to entrench many of the structural difficulties extant in the present devolution arrangements, which largely mirror a federal order but without the formal sharing of sovereignty across national parliaments. The UK constitutional debate has moved substantively beyond the context in which the CRG admirably started to advocate a federal solution in 2015. Views in Wales about the nature and

quality of Cardiff's interactions with Westminster have changed a good deal, especially due to Brexit and, more recently, Covid-19—and the mood in Scotland is increasingly shifting towards independence. However, the Scottish National Party's present platform of pursuing an independent Scotland within the EU is problematic in today's circumstances. By definition, it necessarily confines and restricts the nation's ability to facilitate a single market with its largest trading partner, England, fundamentally because of contrasting positions on Brexit.

Accepting that the federal horse has already bolted, particularly before the relentless wave of SNP electoral successes in recent times, never has there been so much at stake for the future of our nations' relations. We are approaching an uncertain moment in this island journey, if not too, in our collective affairs internationally, with the UK's standing much reduced across the globe. Separatist tendencies are increasingly prevalent, whether nationally in Scotland and Wales, or at a UK level driven by Brexit. There is a crucial need for us to explore some form of broad, strategic compromise, which embraces the concerns of both unionists and nationalists, in moving away from a narrow 'winner takes all' answer to the constitutional question posed. If successful, the long-lasting rewards could be enormous, with fresh political narratives promoting a new kind of partnership across these isles—one which draws on past and present experiences in forming an underlying bedrock of effective collaboration for the century ahead. Interestingly, David Melding MS in his essay *Unionism and Nationalism in Welsh Political Life* (May 2019) emphasises that unionists and nationalists 'will always have to strike some bargain to manage and utilise the forces created by the geography, culture, and economic needs of the British Isles.'

### **So, are we any nearer to modernising and reforming those political structures that define today's Britain?**

After the failed referendum vote on devolution in 1979, it was not until 1997 that a measure of acceptance change was required emerged. The establishment in 1999 of a National Assembly for Wales was a step in the right direction, with four Wales Acts since bringing in two broad phases of executive and legislative devolution respectively, leading to the current status quo. During this time, a greater body of understanding has been fostered in Wales with regards to its specific needs, distinct from those for the UK as a whole. However, the Senedd's limited managerial, rather than strategically empowered, approach to governance still fails to deliver effective democratic representation of the aspirations, needs and values of the people of Wales within an increasingly complicated, developing isle-wide context.

At the time of writing, in Autumn 2020, the world is embroiled in the Covid-19 pandemic. The four constituent nations of the UK have taken different tacks in their responses to the social distancing challenges presented, including the application of lockdown conditions. This has reaffirmed the national borders extant within these isles. The trend for significant divergence in policy stances, across the various parliaments, has compounded other clear political disagreements centred on constitutional change, with different parties holding power in each institution for over ten years. These influences will become a substantial source of crisis as we move on from the EU. Furthermore, Wales's economy is likely to be disproportionately affected in the aftermath of Brexit and Covid-19, with the nation carrying many underlying structural dependencies and unresolved issues of industry and enterprise. These considerable challenges require responses devised by those who better understand their impact on our cities, towns and rural communities—and are well positioned to build the required connections and relationships, at home and overseas, effectively to bring together both public and private expertise and resources in delivering change.

If we were offered a hypothetical opportunity to constitute Britain from 'scratch' once more today, would we consciously choose the model of a centralised unitary state that we have inherited? I suspect England would not have any real intent or interest in pursuing such a proposition as the nation has its own marked difficulties of internal inequality and tensions to overcome (as highlighted by the recent Covid-19 stand-offs between the Prime Minister and the metro-mayors of Northern England.)

The UK is the legacy of a different era in world history, one which was embroiled by conflict, empires and two World Wars. Indeed, the main political groupings of our age remain those which rallied and formed around the issues of those times. The constituent nations of Britain have long since travelled at differing economic rates. More recently, the EU has been part of the fabric that holds the UK together. The pre-eminence of EU law, and its interpretation by the EU Court of Justice, has safeguarded legal and regulatory norms across copious fields, including the devolved areas. The UK internal market has been sustained by the conventions of the EU internal market. Brexit risks these interrelated competences becoming increasingly unsound. The need for a renewed isles-wide framework made fit for purpose for the 21<sup>st</sup> century is now paramount.

I am truly an admirer of the concept of Britain, if not of the UK unitary state, an oxymoron in all but name today. In its defence, there has been no sustained, successful attempt to pretend that the 'whole' or the 'sum of all parts' does not in fact comprise a number of separate nations respected in their own right within European history. Even before the age of devolution, the various identities of the UK's constituent territories were deeply rooted despite occasional, sporadic attempts to standardise across the piece. The fact that such efforts were unproductive places a spotlight on the synthetic nature of our unity, which is possibly at the heart of our current condition of constitutional soul searching.

If we had a second chance, would we not simply recognise the sovereignty of the different nations and peoples in these Isles and seek to work within a robust social, economic and security partnership directed by a limited, but mature, political legislature? I am sure that England would no more want to take on the challenges of Wales, than Scotland would seek to control the future of England. All nations together cannot solve the issue of Northern Ireland, but we can empower the territory to have the useful conversations required to seek resolution of a conflict that now thankfully belongs to a different time.

Globally, these isles are known, amongst many other things, as home to the mother of all parliaments. Would it not speak powerfully of our stature, confidence and foresight, if we acted together, but as individual nations, to enact the mother of all reforms too? What an example our *Prydain*, and our nations' peoples would be showing the world. Our collective shoulders would have to be broad in setting aside any differences, whether substantial or petty, real or imagined, firmly to embrace shared interests and responsibilities in continuing this remarkable island journey, hand in hand as sovereign nations, but within a League-Union of the Isles of Britain.

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