iwa

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agenda
spring 2009

Devolution Decade

On the face of it the verdicts we publish in this issue by leading protagonists in the 1997 referendum on the first ten years of the National Assembly make pretty depressing reading. Professor Kevin Morgan, who chaired the Yes Campaign, is especially damning. He lets us in to what he describes as "devolution's dirty little secret", its failure to make a fist of developing the Welsh economy. And the statistics are incontrovertible. In terms of our prosperity relative to most other parts of the United Kingdom, we've actually gone backwards in the first decade – declining from 77 to 75 per cent of the UK's average GVA. When we started out the Assembly Government's stated ambition was to climb to 90 per cent by 2010, an aspiration that has been quietly dropped. One way or another our other contributors all point to the economy as the central reason for their disappointment with devolution's record so far.

Yet a narrow focus on the economy, important as it undoubtedly is, leads to a zero sum game. Devolution is about much more than that. And anyway, as Kevin Morgan himself concedes, the amount that government can do to influence the economy will always be limited, especially a government with so relatively little control over the main economic levers as the one in Cardiff Bay. Ireland is often quoted as the economic miracle that Wales should emulate, by people who tend to forget that it took more than half a century for Irish autonomy to reap real economic dividends.

Looked at in the round devolution has brought hugely positive gains for Welsh society. First of all, and not to be dismissed, is the development of the political culture that is being created in Cardiff Bay, and spreading outwards from there. The essential symbol is the National Assembly itself and its becoming a legislature quite separate from the Government in Cathays Park. When you look back at the very poor hand that was delivered the fledgling Assembly by the 1998 Wales Act, which fudged the essential separation of powers and grafted a Cabinet on to what was essentially a structure of local government, to have created a Parliament in all but name in a short ten years is no mean achievement.

There are other aspects of civic Wales whose existence in their present form we could not even discuss if the National Assembly were not their natural focus. The IWA has just published *English is a Welsh Language*, an important analysis of the poor health of English language broadcasting. As we report on page 7, this sets out the urgent need for a life support mechanism if Welsh television is not to go into terminal decline. It is a message that is also being championed by the Assembly Government in its representations to Whitehall. What is certain, however, is that if the 1997 referendum had gone the other way Welsh broadcasting, in both Welsh and English, would be in a much more parlous state with even fewer prospects than those we have today.

Another area where there has been substantial development is what has become known as Legal Wales. As we report in a series of articles in this issue, the development of law making in the Assembly is causing the judicial system to respond in ways that are leading inexorably towards the creation of a distinctive jurisdiction for Wales, to parallel those in Scotland and Northern Ireland. This will have profound social and ultimately economic benefits. The creation of a Welsh jurisdiction, with all the legal institutions that follow, will provide an essential underpinning of Welsh civic culture, and be as important as the continued health of the Welsh language in ensuring that Wales survives as a distinctive entity into the 21st Century. Not a bad return for ten years work.

agenda

Spring 2009 No. 37

Front cover:
Close up of the interior roof of the Senedd building designed by Richard Rogers

opinion

news

outlook

politics

economy

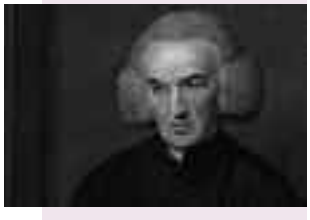
legal wales

environment

social policy

communications

culture



last word

newsflash

Coming up...

Devolution Decade Conference
20 April 2009
Royal Hotel Hotel, Cardiff

Keynote speakers: Dame Gillian Morgan, Permanent Secretary, Welsh Assembly Government, Professor Kevin Morgan, Cardiff University, and Dr Richard Wyn Jones, Wales Governance Centre

Business Support Structures in west Wales
West Wales Branch seminar
6.00pm 20 April 2009
South Hall, Trinity University College, Carmarthen

Speaker: Allan Gray, Head of Business Support, Welsh Assembly Government

Relations in these Islands
Thursday 23 April 2009
Rt Hon Peter Robinson MLA, First Minister, Northern Ireland
6.45pm Lecture at Cardiff Law School, Museum Avenue, followed by dinner at Aberdare Hall

Future Health of the People of Wales
5.30–8.00pm Wednesday 29 April 2009
North Wales Branch seminar
Glyndŵr University, Wrexham

Speakers: John Wyn Owen, Chair, Academy health Wales; Dr Carl Clowes, Wales Centre for Health; Dr Dyfed Huws, public health consultant

How Well is NHS Wales tackling cancer, heart disease, MRSA and c.Difficile?
IWA/Academy Health Wales conference
7 May Novotel, Cardiff

Keynote speakers: Professor Malcolm Mason, Cancer Research Wales; Dr Phil Thomas, Director of Cardiac Services Wales; and Dr Eleri Davies, Director of Welsh Healthcare Associated Infection programme.

European Union Question Time
West Wales Branch Seminar
6.00pm 18 May
Students' Union Trinity University College, Carmarthen

Candidates in the June European Parliament election debate the issues

Just Published

- **English is a Welsh Language:** Television's crisis in Wales
  Edited by Geraint Talfan Davies
  £9.99

- **What are we doing to our kids?**
  £5.00

More information: **www.iwa.org.uk**

Victim Culture

Simon Jenkins argues that we should show more confidence in the custodianship of our architectural inheritance

Those who write about Wales do well to wear armour. It should be especially thick if they are not Welsh born or Welsh speaking. Few places are so sensitive about their identity or expect those who comment on their affairs to pass so stern a test of local legitimacy. In researching a book on the buildings of Wales I encountered a xenophobia which is Wales's least attractive - and least necessary - feature. It is a manifestation of what John Cowper Powys called Wales's "proud humility within a harmless, patient, unfathomable, evasive soul."

As a result, nowhere else in Europe is so little regarded outside its borders. The neighbouring English learn about their country and claim a passing knowledge of the histories of Scotland and Ireland. Yet Rhodri Fawr, Princess Nest, Gerald Cambrensis, the Llywelyns or Owain Glyndŵr are names which, if known at all, are somehow associated with King Arthur, Merlin and the druids, as is the annual eisteddfod.

More extraordinary, given Wales's accessibility to the most inhabited parts of England, is its neglect by visitors. I regard it as the loveliest region of the British Isles, not excluding the Scottish highlands. Yet few English of my acquaintance have penetrated beyond Snowdonia and the Brecon Beacons, to explore the rolling Monmouthshire valleys, the Dyfed coast and the wildness of the mid-Wales mountains. I am astonished at how many English give as a reason for not going to Wales that "they burn down cottages there." It is like refusing to visit France because of Vichy.

While some Welsh people may say good riddance (as the Scots tend to say of their critics) it cannot be healthy to wallow in economic retardation and cultural misunderstanding. As a half-Welshman and ideological localist, I have long pleaded for Wales to pull itself together and show more self-confidence. I do so particularly when a disregard for outside opinion carries over into a disregard for Wales's own cultural assets, and particularly its heritage of landscape and buildings. At present the banner of Welsh familiarity is largely confined to the talents of singers and sporting stars.

My business is buildings and here the neglect is acute. The historical background to Welsh architecture is largely ignored in the few texts and guidebooks on the subject. Worse, since most Welsh buildings are attributed to alien invaders they are assumed to be foreign and of no cultural significance. The castles of the Norman and Edwardian invasions were thus not 'Welsh'. The Norman and Gothic churches and abbeys were introduced by a non-Celtic religion. Country houses were built, so it is alleged, by an English landed gentry. The Victorian mansions of Glamorgan and Clwyd were those of an alien exploitative capitalism.

Even where there is a grain of truth in these generalisations, the thesis that a foreign builder or an alien style renders a building non-indigenous is absurd. A similar political-cum-parochial attitude to the Georgian architecture of Dublin - that it was 'English' and therefore should go - led to the widespread destruction of one of Europe's finest Georgian cities in favour of a hardly 'Irish' bastard modernism.

Only after pleas that Georgian Dublin was built and occupied almost entirely by Irishmen were the authorities prepared to consider saving what was left of their 'fair city'. The nearest parallel was the destruction by the Soviet authorities of Moscow's splendid palaces on the grounds that they had once belonged to aristocrats and the bourgeoisie. Stalin at least saved imperial St Petersburg for the use of the proletariat.

I have never heard an English historian complain that England's Norman churches, Palladian houses, Italianate suburbs or Victorian neo-gothic civic buildings should be razed because they were built by invaders or because they displayed a foreign style. Yet even in recent times, the case for rescuing such fine Welsh houses as Plas Teg or Penrhyn or Gwrych has been undermined by local politicians tainting them as English.

These structures were built by Welsh labour and to the benefit of the Welsh economy. They are in Wales and stand to Wales's credit. They should be promoted as exemplars of a landscape and history that is a glory of Britain. That they may or may not have some link to England is a ludicrous reason for not looking after them and promoting them as Wales's heritage.

Harlech Castle – "testament not to Wales's submission but to the much-cited boast that 'Wales was never conquered'." Photo: Cadw, Welsh Assembly Government (Crown Copyright).

Take castles. Wales has them in greater abundance than anywhere in Europe, with the possible exception of south-western France. Their presence is a testament not to Wales's submission but to the much-cited boast that "Wales was never conquered." The country was often defeated but never pacified in the sense that England was. From the arrival of the Normans through the Llywelyns to the revolt of Owen Glyndŵr, castles were the emblems of Wales's resistance to outside dominance.

The Normans had to garrison Offa's Dyke and sustain authority over south Wales, both to protect land routes to Ireland and to prevent Welsh princes from acting with allies against the English crown. The might of the Marcher lords was directly related to this need, their necessary autonomy and subsequent wealth lying at the root of English baronial liberty and contributing to the spirit of the Magna Carta.

Under the Plantagenets the threat of Welsh rebellion was a dominant fact of kingly power. Edward's northern fortresses, the finest and most extravagant defensive system in Europe, was an astonishing testament to Welsh resistance. They should be regarded as icons of Welsh politics. South Africa does not demolish Robben Island as a relic of apartheid, rather celebrates it as a monument to its horrors. The system of bastides, exiling the Welsh from medieval towns and markets, played a signal role in bonding the Welsh under a repression from which they burst forth under Glyndŵr in the last and most nearly successful revolt against the English crown. Do not demolish them, but cherish them as such.

The resulting necklace of castles and defended towns, be they Norman Chepstow and Pembroke, Welsh Criccieth and Castell y Bere, Marcher Caerphilly or Plantagenet Beaumaris, Harlech and Conwy are in every sense monuments to the glory of Welsh history. To reject them as alien structures is as absurd as to dismiss the Tower of London.

With the Tudor ascendancy the alien argument becomes even more nonsensical. Are the Herberts of Powis, Pembroke and Raglan not Welsh? Should they not take pride in their role in founding as many of the aristocratic houses of Britain as did the Cavendishes of Derbyshire? Rhys of Margam and Morgan of Tredegar were Welsh. Were it not for paternal linearity, even the mighty Butes of Glamorgan, who married the Herberts and were vastly enriched by them, would be considered Welsh rather than Scottish. The inverted snobbery that has condemned so many Welsh houses to destruction is based more on class war

than regional identity.

Indeed it was the politics of class envy as much as Anglophobia that robbed Wales of so much of its indigenous architectural heritage. The 20th Century destruction of the Crawshay and Guest iron and steelworks of the upper Merthyr valley robbed Wales of the most sensational relics of the industrial revolution probably in Europe. Today the remnants of this epic saga of Welsh history are mocked by the earlier remnants of that revolution better preserved in Coalbrookdale in Shropshire. Never was a nose so bitten off to spite its face as in the demolition of the Guest furnaces at Dowlais, as if capitalism itself could be wiped from the face of Wales with a bulldozer.

A similar fate was visited on the gentry houses falling on hard times from the mid-20th century onwards. Thomas Lloyd's heart-rending book on the Lost Houses of Wales depicts dozens of fine mansions razed to the ground because local authorities could not be bothered to list them, or found it politically expedient not to do so. The old Corbett house of Ynysmaengwyn, outside Towyn in Meirionnydd, was gutted and deliberately burned to the ground as practice for the local fire brigade.

Few of these houses belonged to those bogeymen of Welsh left-wing politics, blue-blooded members of the English upper class. Most had been built and almost all were owned by Welsh families, such as the National Trust's Llanerchaeron, half-restored Nanteos, sadly decrepit Nannau and ruined Hafodunos. Such houses would be prized and protected even in the poorest parts of England. In Wales they are neglected orphans.

There was no reason why the relevant authorities should have failed to galvanise themselves to find rescuers for such superb Victorian mansions as Gwrych and Kinmel - or for the tragic catalogue of houses now at risk, and listed in Forgotten Welsh Houses by Michael Tree and Mark Baker. It should not matter that such historic houses might have been part English or have used English architects - all arguments put to me to justify ignoring their fate. The lucky owner of a Picasso does not burn it because the man was Spanish. What is the matter with Wales?

> "The land of my fathers should be able to wear its history more comfortably rather than demonstrate an inferiority complex."

The land of my fathers should be able to wear its history more comfortably rather than demonstrate an inferiority complex. Given the money it expends on preserving its language and sustaining the largest per capita bureaucracy in Britain, it should do more to guard the heritage of its past, both built and natural.

In visiting virtually every square mile of Wales over the past five years I found that the chief blots on its landscape were created in the relatively recent past. The careless siting of caravan parks, like those at New Quay and Harlech, beggars belief. A similar philistinism applied to the location of wind turbines is now ruining the Cambrian mountains and threatens the valley of the Wye, not for the sake of electricity, of which these machines generate little, but for English subsidies to landowners.

This is a land that can boast the Gower and Tenby, the thrilling coasts of Pembroke and Cardigan, the wilderness of Plynlimon, the rolling vales of Powys and Clwyd as well as the better known beauties of Gwynedd. It is one thing to want to keep them secret from invading hordes of English tourists, if that is what the Welsh Assembly Government really wants. It is quite another to allow their spoliation in the name of short-term money-making.

It is an economic truism that the future of European regions such as Wales lies in their ability to attract tertiary employment of all sorts, from organic farming and electronic cottage industry to high-value leisure, tourism and retirement. There is no point in gainsaying this out of some folkloric nostalgia. It is a new wealth available for Wales to harness.

The message of this new economy is relevant to inhabitants, newcomers and visitors alike. Its chief asset is irreplaceable, the quietness and beauty of the visual environment and the readiness of local authorities to protect it. Wales has such places in abundance, but it is too careless of them.

Wales is for the most part a landscape with buildings. I came to them with a belief that understanding them held a key to understanding Wales's past as well as its present. Along with its language and literature, buildings individually and collectively constitute Wales's claim to distinction as a culture. Its ancient churches, especially the isolated upland and coastal chapels, its castles, its market towns, its stern industrial chapels that are its most distinctive architecture, all comprise a visual culture of immense value.

Wales may call itself a nation, a country, a principality, a province or a region. To me it is incontrovertibly one place, a single polity and one that rightly enjoys its first unified political structure since the Middle Ages. If only it could show itself more confident in its custodianship of that inheritance ■

Sir Simon Jenkins is an author, Guardian columnist and Chair of the National Trust. His new book *Wales, an architectural reference work of the churches, chapels, houses and castles of the country*, is published by Allen Lane.

News Spring 2009

English is a Welsh language

Television in Wales - in English, for the majority audience - is in crisis. Such reflection of Wales as we have had on our screens to date is likely to disappear from ITV next year, while BBC Wales's programming faces huge cuts. This is the warning contained in *English is a Welsh language: Television's crisis in Wales*, **published this month by the IWA.**

The book is a response to Ofcom's final report on its second review of public service broadcasting, published in January 2009 and to Lord Carter's interim report on Digital Britain, published a week later.

It became clear in those two documents that the authors shared a similar view of the future of programming for Scotland, Wales and Northern Ireland: namely, that the case for preserving an alternative news service to the BBC had been made, but that the case for general programmes for these nations, while important, was altogether less pressing - a matter to be decided 'in the light of competing priorities'.

IWA chairman, Geraint Talfan Davies, who has edited the book, says in a preface that it is "a corrective to notion that news programming is the only necessary, or even the truest reflection of our society, given the fundamental changes in the Welsh polity that have come about in the last decade.

"*It will also be a corrective to the view that what we have at present is an equitable broadcast dispensation for both the Welsh-speaking and non-Welsh-speaking parts of the population: that the one deserves total protection, but that the other must take its chances in a harsher economic climate. This imbalance is an issue on which UK regulators have been silent, although it has to be said that it has also been too little debated within Wales itself.*"

Geraint Talfan Davies argues for transforming the S4C Authority into a bilingual, multi-media Welsh Media Commission.

The book – a collection of seventeen personal statements by writers and broadcasters - is part elegy for past glories, as ITV's regional broadcasting reaches for its final breath, part cri de coeur as a nation's visibility to itself is allowed to wither, and part affirmation that this problem can be solved and must be solved.

Pictured is **Dr Olwen Williams**, Consultant in GU Medicine, North East Wales NHS Trust and former Welsh Woman of the Year, speaking at the IWA's 'Putting Women in their Place' conference in March. A recent *Who runs Wales?* report by the Equalities and Human Rights Commission shows that urgent action is needed to increase the pace of gender balance change around the decision making tables of Welsh life. Little progress has been made since 2004. The IWA conference looked at the case for following Norway in legislating for gender balance on business boards. In the wake of the conference a steering group has been formed to discuss ways to advance women in Welsh life. The IWA's focus is to get more women involved in all walks of Welsh affairs and to achieve a 50/50 the gender balance in our membership in line with the Welsh population. Currently women currently only make up 20 per cent of IWA membership and just 13 per cent of IWA Fellows.

To order a copy of the book, priced £9.99 (£7.50 to IWA members) contact the IWA office on 029 2066 0820 or order online at www.iwa.org.uk and click on Publications.

Putting Wales in the Driving Seat

A research project examining the impact of the National Assembly gaining legislative powers is being carried out by the IWA on behalf of the All-Wales Convention.

Towards the end of this year the Convention will report back to the Welsh Assembly Government on whether the time is right to move ahead with a referendum on gaining legislative powers. The IWA's research, which will be presented to a major *Devolution Decade* conference in Cardiff on 20 April, is intended to inform this process.

The notion of 'Putting Wales in the Driving Seat' , the title of the IWA study comes from a comment made by the Counsel General Carwyn Jones. Giving evidence last November to an Assembly inquiry into the way it scrutinises legislation, he described the current process of acquiring new powers as, in effect, hitching a lift:

"When there is a Bill passing through the UK Parliament where we believe framework powers to transfer powers to us would be appropriate, we will seek to do that. Obviously, if there is a vehicle that is passing by, we will look to get on to that vehicle in order to reach our destination."

On the other hand, if following a referendum the Assembly were to gain primary powers on its own account it would be able to drive its own legislative agenda.

IWA staff are pictured on the steps of our new office in 4 Cathedral Road, Cardiff, to which we moved last December, from left to right: Research Officer Nick Morris, Deputy Director Kirsty Davies, Director John Osmond, Administrator Clare Johnson, and Finance and IT Officer Helen Sims-Coomber. Standing at the front is Laia Sole Sole, an Ectarc intern placement from Catalunya who is with us for three months.

Living With Our Landscape

A ground-breaking address was given to an IWA conference in March on 'Living With Our Landscape' by Professor Adrian Phillips, former Chairman of the IUCN World Conservation Forum. Professor Phillips said Wales should apply the new European Landscape Convention, adopted by Britain two years ago, to radically change its approach to planning for the whole of the Welsh landscape and not just protected areas.

In addition to treating landscape as an environmental resource to be protected and

managed, the Convention identifies its economic and social values, seeing it as essential to the quality of people's lives rather than just an environmental accessory.

Professor Phillips said the National Parks should acquire a new role, as leaders in the socio-economic quality of life of their communities. They should be seen less as "islands of special landscape attention in a sea of landscape mediocrity", and more as flagships demonstrating to the rest of Wales how landscape can be made central to policy development.

He said Wales could become a leader in Britain for applying the European Landscape Convention for the following reasons:

- Our planning system is simpler than that in England.
- We have developed a deeper understanding of the historical, cultural and biological importance of our landscape.
- There is potential to revive a culture of co-operation among Welsh land managers.
- Wales is small enough to bring the key actors in government together.

Professor Phillips's address and the rest of the conference proceedings are being incorporated in a report that will be published later in 2009 by the IWA in association with the Countryside Council for Wales.

WalesWatch – the blog to watch

Late last year Waleswatch – the IWA Blog was launched on our website - a sign of the increasing role that it will play in the IWA's future. Plans are already being drawn up for a radical redevelopment of the site that will be unveiled later this year. A key aim of the development will be to increase inter-action both with our members and with a wider public, by further increasing the range of content on the site and making it more user-friendly.

Since the launch of WalesWatch, it has delivered expert comment on a wide range of issues, such as higher education funding, the prospects for a new Welsh bank, the crisis in Welsh broadcasting, the Barnett formula, bilingual education, and the propensity of Welsh people to watch rugby on television, to name but a few.

Nearly forty experts in different fields have agreed to contribute to the WalesWatch blog, to provide a regular and authoritative source of comment on policy issues in Wales. This will, on a daily basis, complement the work of our journal, Agenda, which appears three times each year and remains the only magazine in Wales that deals seriously with the whole spectrum of Welsh public policy in Wales.

Our hope is that IWA members and a wider public will turn to this site for fresh insights and will be prompted to add their own comments so that debate can be extended.

The summaries below give just a flavour of what you can find on the site. So we urge members, make **iwa.org.uk/blog** a regular port of call.

Broadcasting Smoke and Mirrors

2 March 2009

Broadcasting consultant Euryn Ogwen Williams argued that Wales is entitled to £30m from that part of the BBC's licence fee - worth £130m - that is currently devoted to the cost of the big switch from analogue to digital television. He argued that this should be used to guarantee the survival of English language programming for Wales that could be accessed either on traditional channels or 'on demand' via the web – the personalised channel. A fund should be created that could also finance a web-based English language news magazine, like the Huffington Post in the USA.

Rugby unites the nation

23 February 2009

Our director, John Osmond, drew attention to the audience figures for international rugby matches which underlined the Welsh passion for the game. During the Wales v England game 67 per cent of the television audience in Wales were watching the game, against only 37 per cent in England. During the Scotland v Wales game the audience share was 68 per cent in Wales and only 35 per cent in Scotland. We in Wales tune in even when the Welsh team is not involved. For instance, for the France v Scotland game, audience share in Wales was 48 per cent but only 32 per cent in Scotland and a mere 26 per cent in England.

Bring the Bank of Wales Back Home

10 February 2009

IWA Chairman, Geraint Talfan Davies, reminded us that the title deeds to the defunct Bank of Wales now lie in a drawer in the former HBOS offices in Edinburgh. He argued that now was the time to return to Wales deeds that should be regarded as a Welsh national asset. With some local authorities talking of establishing local banks, and Peter Mandelson talking of establishing banking facilities at Post Offices, there were now options to use the Bank of Wales title for a Welsh development bank, or a 'people's bank' that could kick start the mortgage market in Wales, or a trading bank that could help public agencies handle their aggregated cash flows more effectively.

Funding Welsh higher education

27 January 2009

Professor James Foreman-Peck of Cardiff Business School focused on the Welsh propensity to fund students rather than universities, following the report of the 'task and finish' group set up to review higher education in Wales. He pointed out that the total cost of the £1,845 grant paid to Welsh domiciled students studying in Wales would jump from £22.3m in 2007-08 to £78m in 2010-11 as the full three-year cost kicked in. He argued that this could have gone direct to the universities to close the £40-80m funding gap between Welsh and English universities.

Couldn't give an LCO

23 January 2009

Lee Waters, National Director of Sustrans, raised important questions about the effectiveness of the National Assembly's petitions system, following the failure of a bid by Sustrans' and several other organisations to kick start a legislative competence order that would give the Assembly the power to create a network of traffic-free routes across Wales. The bid was dropped by the Assembly after Ministers said that it would 'divert resources away from taking forward the Assembly's legislative programme'. Waters argued that the 'open responsive, effective' petitions system that had been promised was now entirely dominated by Ministers.

Two cheers for Ofcom

22 January 2009

Following Ofcom's publication of its final report on its review of public service broadcasting, Geraint Talfan Davies, co-author of the IWA's media audit of Wales last year, expressed concern that although the regulators may be keen to save ITV's regional news service, a rescue for general programming for Wales seemed less likely. In its research Ofcom had been told by 90 per cent of the public that news was the most important consideration, but Davies reminded us that 71 per cent in Wales said the same thing about general programming made for Wales. He argued that the trap for Wales lay in accepting a minimal deal.

Devolution Dividend

Key figures in the 1997 referendum campaign give their verdict on ten years of the National Assembly

Dirty Little Secret

Kevin Morgan,
Professor of Governance at Cardiff University, Chair of the Yes Campaign

Though I still wholeheartedly support the National Assembly, after ten years I feel both chastened and disappointed at the poor impact it has had in tackling the underlying problems of the Welsh economy.

In retrospect, we had over-inflated ambitions in 1999 about the ability of government to improve economic performance. In practice the Assembly Government is only one of a number of variables that determine economic outcomes. The Westminster government still holds the main economic levers and we are all subject to the pressures of global events. However, I think we are entitled to have expected more from Cardiff Bay.

Undoubtedly, there have been some real achievements, like the gains in transparency and democratic accountability. That claim, made by those of us in the Yes campaign in 1997, has definitely been realised. And we do have a greater opportunity to design policies that are better attuned to our special circumstances in Wales.

The clearest example is what can be summarised as Rhodri Morgan's 'clear red water' approach to policy, which seeks to achieve 'equality of outcome' for policies as opposed to 'equality of opportunity'. Of course, this is highly ambitious and severely circumscribed by the Assembly's limited powers. But it is what lies behind the commitments to free prescriptions for all, free breakfasts in primary schools, and reduced bus travel for 16 – 18 year olds. The aim is to contribute directly to making it worthwhile for the workless to get back into work. As Rhodri put it, "One of the main stumbling blocks for anyone who has had to settle for a life on welfare benefits is the anxiety that, on taking up work, new expenses will erode the differential between what can be earned in employment and what can be obtained through the social security system".

There have also been gains for women in Welsh politics. A far better gender balance has been achieved - in the Assembly itself and also in the Cabinet - than would otherwise have been the case. You only need glance at the continuing male dominance in Westminster or in our town halls to see that.

The requirement in the 1998 Wales Act for the Assembly Government to pursue sustainable development was another laudable political innovation. There have been many worthy declarations of intent in this arena – but let's not mistake good intentions for good practice.

Nowhere is this more clearly the case than with the economy. During the first year the Assembly Government's declared aim was to increase the Welsh GVA per head from 77 per cent to 90 per cent of the UK average within a decade. However, it very soon abandoned this objective and our GVA has actually declined to 75 per cent (in 2007), a full 25 points below the UK average. The position is even starker in comparison with the other nations and regions. Wales has the lowest score, three points behind Northern Ireland. In contrast, London has the highest GVA per head – on 141 percentage points compared with the 100 UK average.

The Welsh Valleys remain stubbornly at the bottom end of all statistics. Of the top ten Parliamentary constituencies with the highest incapacity benefit claimants in the UK, the Valleys contain five – Merthyr, Rhondda, Cynon Valley, Blaenau Gwent, and Aberavon. For Wales as a whole there is a steady stream of negative statistics:

- Only the West Midlands has had slower growth since 1999.
- Lowest private sector R&D spend in the UK.
- Lowest full-time weekly wages in the UK.
- Bottom of UK rankings for tests for 15-year-olds.
- We spend 8 per cent per child less than England in schools.
- We have a spending gap of £55million with England in Higher Education.
- Fewer graduates remain in Wales for employment than the other UK nations.

The New Labour mantra in London is big on regional development policy, that is to say growth within regions. But it is silent on regional policy, which seeks a more equitable balance between regions. To a large extent this can be traced to the distribution of public spending across the United Kingdom. So far as identifiable

public spending is concerned, this is determined by the Barnett formula. In the first decade of devolution our representatives in Westminster and the Government in Cardiff Bay have been reluctant to open this up for scrutiny. We can only hope that the Holtham Commission, established under the *One Wales* agreement between Labour and Plaid and due to report within a few months, will provide us with the evidence to demonstrate what we suspect, that Wales is being short-changed compared with other parts of the UK given our needs.

However, identifiable public expenditure accounts for only around 80 per cent of overall spending. The remainder, in key areas such as research and defence procurement, is overwhelmingly spent in relatively prosperous regions such as South-East England. Our representatives in Westminster need to be more robust in voicing the case for Wales in the distribution of public spending.

We must also hope that as the Assembly's powers grow, with the greater legislative authority allowed by Part IV of the 2006 Wales Act, we will get more tools to tackle Wales's economic problems. After ten years, however, it is time to recognise devolution's dirty little secret – there is no necessary economic dividend to political devolution.

This is not to decry devolution. Those of us who passionately support the Assembly have a duty to talk about its shortcomings as well as its achievements ■

Be Bolder

Dafydd Wigley,
President of Plaid Cymru in 1997, former MP and AM for Caernarfon

The biggest achievement of the National Assembly over the past ten years has been to gain the respect and acceptance of the people of Wales following the extremely close result in the 1997 referendum. Today most people look to the Assembly to pursue the best interests of Wales and, indeed, want it to take on additional powers to work more effectively.The change has been greatest in south-east Wales, although it has to be said that affection for the Assembly tends to decline the further away from Cardiff you go. The evident determination over the past few years to improve north-south links – to upgrade the rail service and the A470 – reflect an attempt to unite the nation and that is to be welcomed.

The sheer fact that the Government of Wales, and we should call it that, is located in Cardiff means that it is closer to the people, more user friendly, and more accountable. In 2003 I was involved in a review of the working of the voluntary sector and we found that, after four years of devolution, a very large majority appreciated the close working relationship they had with the Government and the fact that they could talk directly with Ministers. In response to a survey 92 per cent said they preferred the new system to the old Welsh Office days.

During the first term the Government spent a good deal of time involved in consultations. And there was a lot of good will and co-operation from organisations around Wales. The consultations were conducted at a high level. However, disillusionment rapidly set in because the follow-up to the consultations was at such a low level. To be fair, the Government was constrained, and continues to be constrained, because such a high proportion of its budget is totally committed, especially on health and education spending, so that there is little room for flexibility.

As we set out on the path of democratic devolution in 1999 the great opportunity was European funding for the west Wales and the Valleys Objective 1 programme. Unfortunately there was a lack of planning for using the money and we were diverted by the row over match funding. In practice there was no match funding and from the start we had to use our own cash to ensure the flow of European funds which was outrageous.

A fundamental problem was the civil service which hadn't really changed gear with the coming of the Assembly. It remained a reactive department, carrying out day-to-day administration, but still stuck in a mindset which depended on the lead being taken by departments in Whitehall. It was totally ill equipped to help Ministers instigate new, let alone innovative policies.

Looking back we were wrong-footed by the disappearance of the last Permanent Secretary at the Welsh Office, Rachel Lomax who, with her international experience at the World Bank, had brought a can-do breath of fresh air. In my view her departure back to London was largely a consequence of the arrival of Alun Michael as Secretary of State for Wales and then First Minister. It was part of the price we paid for losing Ron Davies. If he had stayed, she would have as well.

In general there was a lack of confidence amongst the civil service and an aversion to risk taking. When you embark on something new like establishing the National Assembly, there is bound to be an element of risk. However, the civil service were psychologically unprepared to take that approach.

An example was a project I was involved with in 2003 to establish a fibre optic cable link along the A55 between Chester and Holyhead. We set up a company, i55Ltd., and raised £500,000 to undertake this. However, it took officials in the Government in Cardiff seven months to decide whether to

rent the line to us, by which time we had lost three out of five potential customers. The project is now going ahead but it has taken six years for the public sector to achieve what the private sector would have achieved in six months.

That underlines the mistake it was to abolish the Welsh Development Agency and the Wales Tourist Board, which Rhodri Morgan did for purely political reasons. It was an unmitigated disaster to throw away such a brand leader as the WDA which had taken 25 years to build up. Many of the best people left because, quite rightly, they did not want to work within the risk-averse atmosphere of the civil service. Meanwhile, the Development Agencies in England couldn't believe their luck.

Now, in the wake of the 2006 Act, we are moving into new waters again, with the long overdue separation of the legislature and the executive, and the ability to acquire primary powers with Legislative Competence orders agreed in Westminster. That has not settled down and I detect a good deal of tension between AMs and Welsh MPs who seem reluctant to co-operate.

When you add that to the likelihood in the coming few years of administrations of a different political complexion in Westminster and Cardiff Bay, coupled with a severe cutback in spending due to the bank bailouts and the recession, then we are in for a bumpy ride.

There are two requisites for ensuring that our fledgling democracy and Welsh Government are more successful in future. First we must grasp the funding nettle and reform the Barnett Formula that under funds Wales. If the formula worked for Wales the way it does for Scotland we would be getting £1billion a year more. If it worked for us the way it works in Northern Ireland we would be getting £3 billion extra.

But even more fundamentally, we need a culture shift in Cardiff Bay in the way the Government makes things happen. It is better to fail trying to take an initiative rather than simply to fail as a result of not trying. And this is a challenge for the whole of civic society in Wales, not just for politicians and civil servants ■

Could do better

Ron Davies,
Secretary of State for Wales in 1997, Labour AM for Caerphilly during the Assembly's first term

Devolution has embedded itself more quickly than anyone could have really expected ten years ago. No serious political force in Wales now questions the merits or workability of the Assembly. Devolution has been mainstreamed and its difficult to envisage circumstances in which it won't go from strength to strength.

The most welcome shift in attitude has come from the Conservatives who now acknowledge that the Assembly is here to stay and, indeed, want to improve it to make devolution work better. This may well have profound implications for the next stage of devolution's development.

There seems little doubt either that the coming of the Assembly has reinforced Welsh people's sense of identity. In response to surveys they place Welshness over Britishness by a factor of two to one, which is a substantial change from the mid 1990s. Devolution has brought us a greater sense of self-confidence as a people.

There has been a decentralisation of more powers from Westminster to the Assembly during the decade, for instance in the field of mental health, and Wales has taken the lead in appointing a Children's Commissioner. All these are positive developments.

There has been a gradual emergence of a distinctive Welsh policy agenda as well, denoting a willingness on the part of the Labour leadership in the Assembly to create something new. Unfortunately, the initiatives pursued are having the effect of creating a dependency culture. Free prescriptions, free bus passes, and free school meals are a form of welfarism specifically targeted at propping up the Labour core vote. It is not a progressive agenda in the true sense of the word and will prove highly problematic when the coming financial squeeze makes us revisit such policies, as is happening with student fees. If the government is forced to put them into reverse then a lot of people will see it as the Assembly removing an entitlement.

There has been a hugely important policy agenda waiting to happen since the start of the Assembly, related to its legal obligations around sustainable development. We could have taken a strong lead in Wales by investing seriously from the start in a focused agri-food initiative and a strategic approach to renewable energy, not just in terms of power generation but in establishing a comparative advantage for the manufacturing sector. These were tailor made for playing to our latent strengths. However, instead of practical initiatives we've substituted declaratory aspirations in innumerable consultations and policy documents.

Another lost opportunity has been the investment we received from west Wales and the Valleys being granted first Objective 1 status and now part of the European convergence programme. We have wasted many of the opportunities in developing short-term programmes based around employing more public sector people for as long as the funding lasts, rather than concentrating on long term investment gains. The result is that in relative terms we are in as bad a state in west Wales and the Valleys as we were ten years ago.

And the irony is that during the first decade devolution has floated on an ever-rising tide of public expenditure. However, harsher times are coming and the prospect of cuts in the Assembly Government's block grant only serves to underline its failure over the last ten years to challenge the Barnett formula and the Treasury in London. We should have been shouting about this from the start, but Labour politicians in Cardiff have been afraid to rock the boat with their colleagues in London.

Of course, currently we have Commissions, both here and in Scotland, examining the way devolution is financed but they will be too late to protect us from the cutbacks that will hit us over the next three or four years. A small example of where the present funding system could have been challenged is over the costs of the Assembly itself, which at about £48 million for 2009-10 are not insubstantial. In my view this should not come out of the Barnett calculated Welsh block grant, but from the Treasury centrally. Devolution is about improving the democratic government of Britain as a whole. But that argument hasn't been made.

Another disappointment has been the way the media have engaged with devolution. This is one reason why, despite their greater identification with Wales, public perception of the Assembly is not as good as it should be. In practice trivia have replaced real debate. So, for example, the media are much more interested in the Leader of the Opposition claiming on his expenses for an Ipod, than Westminster blocking or delaying the Assembly Government's Legislative Competence Order aspirations over housing or the Welsh language.

In general I find ordinary people are frustrated with the Assembly's lack of progress and simply want it to do better. That is why the polling finds that although they think it is underperforming in such key policy areas as education, health, and economic development, they still want the Assembly to have greater powers ■

Taking the Assembly forward

Nick Bourne, leader of the No Campaign in 1997 and Conservative Opposition Leader in the National Assembly

Looking back to when we opposed the Assembly in the 1997 devolution referendum, it is sobering to reflect how much the past is a foreign country. Certainly things have changed massively since then.

But we realised that as soon as the referendum vote took place. The margin of victory for the Yes side was, of course, very small. Yet I always knew that, whichever way the vote went it would be decisive. As Conservatives we immediately declared we would work to make the Assembly a success.

We had two main arguments against devolution. It would cost a lot of money and would be a threat to the unity of the United Kingdom. On the first, although we should always be vigilant about public expenditure it was a fair argument that democracy does cost money.

On the second we were just plain wrong. Over the last decade we've proved that with our enhanced democratic structures in Wales we can make the Union work better. I remain a committed unionist but I am now also an enthusiastic supporter for devolution and believe we should go further to make the Assembly more effective.

So it is not the system of devolution that I now oppose, but the policies of the people operating it. We missed an enormous opportunity following the 2007 election when the Rainbow coalition slipped through our fingers. I believe in that election the people voted for an alternative to a Welsh government dominated by the Labour Party. The Rainbow coalition of Plaid, Welsh Conservatives and Liberal Democrats would have provided that. We would have brought a re-invigorated approach to policy implementation and, as important, demonstrated that voting in elections can make a real difference, that democracy can work.

Probably the main success of the National Assembly has been to have been much more open and accessible to ordinary people than I think Westminster could ever be. That is a huge gain.

It is interesting to reflect that hardly anyone ever thinks in terms of the Westminster Parliament delivering policy outcomes. Yet somehow they expect the Assembly to do that, when in fact it is the responsibility of the Welsh Assembly Government. It illustrates just how far we have to go in explaining how devolution works, even though under the term of the 2006 Wales Act, we have now legally separated the Assembly Government as the executive from the National Assembly itself as the legislature.

There have been some policy successes. I think mainly of what has been achieved in agriculture where the government operating from Cardiff Bay has been able to move more swiftly and, generally speaking, more in tune with what people in the Welsh countryside want. So, for instance, we have undertaken a limited cull of badgers in Wales, a sensible policy that has so far eluded Whitehall. I think Wales was more adept, too, in dealing with the foot and mouth crisis.

Having said that, I fundamentally disagree with the main direction of policies that have been pursued by successive Labour-dominated administrations in the major policy areas of the NHS, education and economic development. There have been avoidable disasters, especially in the health field with the unnecessary and costly reorganisation to create 22 Local Health Boards, which is now in very short order being unravelled, again at great cost.

There has also been an ideologically-driven agenda around free prescriptions and other free entitlements which have simply given money to people who were able and perfectly willing to make their

own contribution. Meanwhile, the ideological refusal to even consider public private partnerships has prevented much-needed investment in our health and education systems.

As Conservatives our role has been to provide an effective opposition on such issues and In part that is down to the fact that we have built an effective democratic system in Wales.

But as a party we are much more interested in government than opposition. I believe that the current system is untenable. The 2006 Act has produced a botched position in which there is no opportunity to produce a coherent legislative programme and, anyway, hardly anyone understands the legislative procedures we have.

So you get the absurd situation where, following the tragic death of a child in a Vale of Glamorgan school bus accident, we were unable to legislate to bring in proper safety procedures. Or we cannot legislate to introduce a local council tax relief system for people who invest in efficient insulation for their homes. Or our powers in relation to the Welsh language are unduly constrained. On all these and other matters the logical place for legislative responsibility to rest is with the National Assembly and not Westminster.

I sense now that, once we become the government at Westminster following the next general election – as seems increasingly likely - it will fall to the Conservatives to take the devolution process forward to a more sensible place ■

Prosperity without growth

Morgan Parry,
Director, WWF and
Chair, Cynnal Cymru

The accepted wisdom is that nobody saw this recession coming. It took everyone by surprise: governments, business analysts, economic commentators, financial forecasters, and bankers. After all, who could have predicted that an economy based on ever-increasing consumption and debt could do anything but keep growing?

Some in the mainstream of economic and political debate have claimed (with hindsight of course) that the recession was inevitable. Many commentators and economic experts are now arguing for an expansion of credit, increased consumption and a rapid return to growth. The main political parties are engaged in a debate framed in exactly the same way.

Bankers are a convenient scapegoat for the crisis, but blame also lies elsewhere. It has been Government economic policy to expand credit, promote consumption and encourage risk taking by the banks. As individuals we became wealthier while the economy was growing, so we're all implicated in the crash that has followed. According to Professor Tim Jackson, "The market was not undone by isolated practices carried out by rogue individuals. Or even by the turning of a blind eye by less than vigilant regulators. It was undone by growth itself." We will have to do without growth in the years ahead, and we will have to design other ways of enhancing wellbeing. "Prosperity without growth is a very useful trick to have up your sleeve when the economy is going down the pan".

But some people did see the crisis coming. The vulnerability of the economic system has been a consistent theme of sustainable development for many years. Cynnal Cymru, the Sustainable Development Forum for Wales, has led the debate on whether 'prosperity without growth' is not only possible but desirable (see link below). The Sustainable Development Commission is soon to launch a major programme of work to engage governments and the public on this most important of subjects.

Easy credit has encouraged us to live beyond our means. Our economy has been driven by consumer debt, but also by unsustainable use of resources and energy. The crash was caused by market failure and the systematic pursuit of short-term economic growth. The earth's natural systems are the limiting factor for all our economies, and these have been exceeded. Resource constraints are now critical and population pressures are imminent. Economic growth in a finite world will inevitably lead to a debt crash, even if a recovery follows in a few years. Recovery from a crash in ecological debt, would take many thousands of years, if it happened at all.

This recession is the first major test of the globalised economy and it has been found to be flawed. The idea that economies can grow "sustainably" has gone forever. Co-operation, not competition, is the way forward.

The case of China is well known, with its rapid economic growth directly linked to rocketing greenhouse gas emissions. But closer to home is the Republic of Ireland, held up by many politicians in Wales as the model for Wales to follow. The very policies that fuelled the miracle of the 'Celtic Tiger' - low corporation tax, promotion of consumer debt, carbon-intensive infrastructure projects, and fossil-fuel subsidies, are the ones that have made Ireland the most at-risk economy in Europe.

Its policies have resulted in the fastest growing per capita greenhouse gas emissions in Europe and an almost total disregard for environmental protection. With one per cent of the European population, Ireland is responsible for 10 per cent of breaches of EU environment law. Wales should find a better role model than a country that is financially and ecologically bankrupt.

The Welsh Assembly Government's

economic summits are an important response to the crisis facing business and workers in Wales. But soon they must evolve into a transformational process, a new way of doing business in a sustainable world. The Green Jobs Strategy and the Sustainable Development Scheme must aim higher, and be the blueprints for the future of all development in Wales, where we build social, economic and environmental capital, instead of destroying it. Policies that promote energy efficiency, renewable energy and resource efficiency will create jobs at a time when unemployment is rising.

We could be at a point of no return for human society. If the recession is long and deep, many factors will have changed before we emerge from it. The globalised economy was built on economic liberalisation, technological development and cultural dynamics which won't come together in the same way again. Climatic and demographic changes will be the most significant influences in the years ahead. We have a historic opportunity to devise an economic model that is appropriate to a world of steep population growth, resource constraints and breached ecological limits. The planet that supports us is finite, closed and constrained by the laws of physics. We need an economic system to match. We need sustainable development.

Cynnal Cymru has captured these issues in a series of 20 essays *Defining a Sustainable Economic Future for Wales* containing a rich diversity of political opinion and outlook. These can be downloaded from the address below. Despite the gravity of the challenges we face the overwhelming tone is one of optimism. Encouragingly, these essays share a belief in the creativity, industry and culture of Wales and its people ■

http://www.sustainwales.com/home/downloads/essays/v2_-_Cynnal_Cymru_Essays_English.pdf

Phil Cooke writes on the Assembly Government's consultation on its Strategy for **Green Jobs for Wales**, page 31.

Science Hiatus

Beth Taylor,
Director,
Communications,
Institute of Physics

The IWA's latest science conference on funding, risk and innovation, held in Cardiff in February 2009, was unable to cover two major issues: the implementation of the Assembly Government's science policy and the appointment of a Chief Scientific Adviser. Participants recognised that the Government does have a science policy, announced in 2006, but felt they had seen little evidence of how it was being put into practice. A Chief Scientific Adviser might have provided the focus needed to give the policy real impact. However, a decision was still awaited on Chris Pollock's report, submitted to the First Minister in the Autumn of 2008, recommending the creation of the post.

There was a strong feeling among all participants that a positive decision on this would help keep the development of science and innovation in Wales at the forefront of decision-making across all areas of the Assembly Government's responsibility. A Chief Scientific Adviser would provide a strong voice for Wales in areas of science policy which remain the responsibility of the Westminster government, arguing the case for correcting the gap in research funding between Wales and the rest of the UK. For instance, it could help avoid the kind of situation where, of the 44 Centres for Doctoral Training recently announced by the Engineering and Physical Sciences Research Council, not one was awarded to an institution in Wales.

Other strong themes emerged from the conference. Many speakers, starting with the Deputy First Minister Ieuan Wyn Jones, called for more collaboration between Higher Education and Further Education institutions, and with business and industry. Collaboration was seen as key to enhancing the impact of institutions which, as a natural result of their geography, are often small in scale and remote from one another. Working together has the potential to create the critical mass they need for research excellence and successful innovation.

A good precedent in my own field of physics would be the Scottish Universities Physics Alliance, which brings together six departments from Paisley to St Andrews to pool and enhance their research expertise. The alliance is widely credited with raising the standards of postgraduate physics teaching and research in Scotland.

Another major theme was education. It is clear to me that the goal of creating a "small, clever country" can only be sustained in the longer term if the people of a small nation are given the opportunity to be clever. There was general agreement that good quality science education, from primary school through to university, was essential for creating a knowledge-led, science-based economy.

A crucial objective is to attract more specialist teachers into secondary schools. Chemistry and physics are often taught by non-specialist teachers who can struggle to convey the excitement and potential of the subjects. It would be a great step forward if every school was required to have at least one specialist teacher in each science discipline.

At university level, the Higher Education Funding Council for England will be allocating an extra £25 million pounds per year for strategically important subjects, such as physics, chemistry, mathematics and engineering, on a permanent basis from 2009-10. This money amounts to an extra £1,000 or so per student. If the Higher Education Funding Council for Wales fails to follow suit it will disadvantage the teaching of these vital subjects in Welsh universities ■

Funding Brick Wall

Eurfyl ap Gwilym says the prospect of no real increase in Welsh public spending demands a culture shift in Assembly Government priorities

The National Assembly has been singularly fortunate in at least one respect since its establishment in 1999: it has shared in a record growth of UK public expenditure. The Assembly's establishment coincided with Gordon Brown abandoning 'prudence with a purpose' and embarking on growth in public expenditure that was without precedent.

Growth was particularly high in health and education spending in England. Given the way the Barnett formula works this fed through to high growth in the block grant Approximately 70 per cent of the growth in the block grant to Wales is geared to these two spending programmes in England.

Table 1 summarises nominal growth in the block grant over the last nine years and forecasts for the next three years. Allowing for inflation the average annual growth rate in *real* terms was approximately 5.8 per cent. However, the forecast for the three years commencing 2008-09 shows an average growth of 4.3 per cent in nominal terms equating to only 1.8 per cent in real terms (the Treasury revised their estimates of the GDP deflator between 2007 and 2008 which accounts for the different real growth rates shown in **Table 1**).

Even before the credit crunch it was clear that the rate of growth in public spending would have to slow down. Over the last decade growth in public expenditure has outstripped GDP growth. At the same time taxation has increased sharply while government borrowing has remained high even during a period of high growth. The fact that the public finances were in an unsustainable state was conceded by the UK Government in the Comprehensive Spending Review, which after long delay, was finally published in October 2007.

In the case of Wales the forecast growth in the block grant was subject to some confusion. The Treasury claimed that over the three years growth would average 2.4 per cent in real terms but this was after reducing the base line expenditure by £200 million. As can be seen from Table 1 the actual average *real* growth compared with the prior year was 1.8 per cent per year with the planned expenditure being back end loaded.

However, with the onset of the credit crunch the outlook for public expenditure in Wales has become much

Table 1: Year on Year Changes to the Block Grant 1999-2008

	Welsh Block Grant £m	% Nominal Increase (inclusive of inflation)	% Real Terms increase/decrease
1999-00*	7,350	-	-
2000-01*	7,774	5.77	4.36
2001-02*	8,603	10.67	8.30
2002-03**	9,894	15.00	11.91
2003-04**	10,631	7.45	4.48
2004-05**	11,392	7.16	4.40
2005-06**	12,199	7.08	4.93
2006-07**	13,023	6.75	4.01
2007-08**	14,171	8.82	5.57
2008-09**	14,563	2.77	0.07
2009-10**	15,255	4.75	2.05
2010-11**	16,065	5.31	2.61

Source: Wales Office Annual Reports: Cm 6545* and Cm 7404**
HM Treasury. PESA 2007 for GDP deflator including forecasts for 2007-08 and later years.
Note: The figures reported for 2001-02 may be not be completely consistent with the later years.

grimmer. In the November 2008 Pre Budget Report (PBR) the Chancellor of the Exchequer was obliged to set out tentative plans for public expenditure covering the years 2011-12 to 2014-15. This was in an attempt to sustain market confidence in both UK Government policy and Sterling by indicating how the even more rapid growth in public expenditure and public borrowing, due to the credit crunch, would start to be recouped in later years.

Even last November the widely accepted view was that the economic growth forecasts in the Pre Budget Report were far too optimistic. This view has been borne out as events have unfolded. In the 2007 Pre Budget Report, growth in UK current expenditure in real terms was forecast to be 1.3 per cent in 2011-12, 1.2 per cent in 2012-13 and 1.1per cent in 2013-14. Public sector net investment was 'moving' (that is, declining) to 1.8 per cent of GDP by 2013-14.

In an attempt to strengthen the public finances the Chancellor plans to raise income tax and National Insurance Contributions in 2011-12. The financial outturn is also predicated on £5 billion of unspecified 'efficiency savings' in both 2010-11 and 2011-12. In practice these forecasts have already been overtaken by events. Forecast growth of the UK economy and of public expenditure will be revised downwards in the coming budget, scheduled for 22 April 2009.

The current, very low forecast growth in total expenditure disguises what could happen to the Welsh block grant. This is because much of the increased expenditure will be on spending programmes not covered by the block grant, including additional spending on the greater number of unemployed, the increased cost of tax credits and servicing the ballooning national debt (up from 36 per cent of GDP in 2007-08 to an optimistically forecast 57 per cent in 2013-14).

The Institute of Fiscal Studies has estimated that the cost of servicing the increased national debt will grow annually by 7.7 per cent in real terms. It has also concluded that there will be little or no additional funding for the National Assembly. This is before Wales is required to contribute to the £10 billion of efficiency savings: the corresponding 'efficiency' cuts in Wales will be £584 million over the two years. To add further pressure, rescheduling of capital expenditure including on the NHS in England will have the effect of reducing the capital budgets in Wales by not less than £215 million over the next Spending Review period. Thus the Welsh Government will face a period

"Future governments could find themselves up against a 'brick wall' in public spending from 2011."

Andrew Davies,
Finance Minister

of no growth or even possibly a cut in funding. As Andrew Davies, the Finance Minister told BBC Wales's *Dragon's Eye* programme in February 2009, "The years of plenty have come to an end", adding "future governments could find themselves coming up against a "brick wall" in public spending from 2011".

Given this outlook what can the Welsh Assembly Government do? The financial restrictions should be used as a catalyst to undertake a rigorous review of what the public sector is achieving in Wales and what can be done to improve its efficiency. A supplementary question to answer is whether there are programmes and projects that should be closed down.

Because of the rapid growth in the block grant between 1999-00 and 2006-07 it is to be expected that the public sector in Wales, in common with any other spending organisation which is allocated large sums of additional money to spend over a short period, has wasted a proportion of the additional funds. In fairness some of this additional spending was beyond the control of the Assembly Government. One example was the very generous new GP contract negotiated in London but binding on Wales.

On the other hand, there should be some positive factors where Wales has not followed the spending patterns in England the last decade. The heavy use of PFI in England, which can be viewed as bringing forward capital investment and paying the price over future years, means that there is implicitly embedded in the block grant a Barnett consequential.

In England there are PFI capital commitments of £50 billion with a repayment cost over the next thirty years of £160 billion. This compares with a total PFI capital value in Wales of only £607 million. Because the Welsh Government has made such little use of PFI this implies that a measure of future budget flexibility of approximately £250 million a year should be available in Wales.

NHS spending in England on *Connecting for Health*, the country-wide IT system, which is now estimated to cost £12.4 billion, implies a Barnett consequential of approximately £700 million. This will be available for other spending in Wales because we have not embarked on a comparable IT programme. Whilst funds such as these are not ring fenced, it is to be hoped that they have not been allowed to be subsumed in general spending increases in Wales.

Employment in the public sector has grown by 8 per cent from 287,000 in 1999 to 310,000 in September 2006. At that time Welsh public sector employment accounted for 23.7 per cent of total employment compared with 20.2 per cent for the UK as a whole. In fairness, at 8 per cent, growth in Welsh public sector employment in Wales since 1999 has

been lower than in the UK as a whole.

A key question is how much of that increase was on front line staff. Given that a large proportion of public expenditure is accounted for by wages and salaries, it is inevitable that there will need to be a material reduction in the payroll cost. This can be achieved by cutting or curtailing spending programmes, reducing staffing levels in general and moderating salary and wage rises. Such an approach will no doubt be unpopular. However, the private sector which employs almost 1 million people in Wales is already having to bear cuts together with lower pay increases and it is unrealistic to expect the public sector to be immune. It was reported by the Engineering Employers Federation that average level of annual increases in manufacturing industry was down to 1.8 per cent during the three months to the end of January 2009.

Careful forward planning can help reduce the impact of such an approach. The turnover of staff in the public sector due to retirement alone is greater than 2.5 per cent a year and reducing the rate of recruitment and not automatically replacing those who leave could lead to a significant annual reduction in headcount. Freezing pay scales in real terms could lead to a further reduction. Bearing in mind that we are approaching a period of minimal or even negative inflation, this means that annual pay increases could be a thing of the past during the next few years. This does not mean that all incomes are frozen because there remains the potential to move up within pay grades and for promotion.

The prospect of little or no real increase in public spending in the coming years should prompt the Welsh Government to ask some searching questions. Given the massive increase in spending why have the outcomes over the last ten years been so disappointing in many key areas? Should we not move from looking at crude measures of inputs such as money, either to intermediate measures such as delivery capacity or, even better, to measurement of outcomes such as health improvement, educational attainment and relative GVA?

It would be a missed opportunity if all that the Welsh Government does is tighten up on spending across the board. Now is the time to critically review what has happened in the public sector over the last decade. Successes and failures should be identified on the basis of outputs rather than inputs such as money.

> "Despite large increases in public spending many of the outcomes have been disappointing."

Despite large increases in public spending many of the outcomes have been disappointing. For instance, Welsh health spending increased from £3,477 million in 1999-00 to £5,238 million in 2007-08, an average annual growth rate in nominal terms of 5.25 per cent. Despite this, in common with the rest of the UK, Wales continues to perform poorly compared with other western countries when it comes to health outcomes. In a recent international study of 'mortality amenable to healthcare' the UK came last out of the nineteen countries studied. In the past the reason for such poor outcomes was claimed to be the much lower levels of expenditure on health compared with other advanced countries. But after a decade of record growth, such reasons are starting to wear thin – in 2006, health spending in the UK was 8.4 percent of GDP compared with an average 8.9 per cent for all OECD countries.

In the case of education, spending increased from £2,072 million in 1999-00 to £3,938 million in 2007-08, an average annual growth rate of 8.35 per cent. But, despite this large increase in spending Wales has continues to slip behind both England and other OECD countries when it comes to educational attainment. Why is this? What plans does the Welsh Government have to rectify this underperformance? Do they recognise the scale of the challenge, in which we should be measuring ourselves against our international competitors rather than against claimed improvements in examination results compared with previous years?

In the case of economic development, relative GVA per capita compared with the rest of the UK declined from 77 per cent in 1999 to 75 per cent in 2007. This was despite growth in public expenditure on economic development from £289 million in 1999-0 to £795 million in 2006-07. Wales spends 228 per cent of the UK per capita average on economic development. This raises the question of the efficacy of the additional spending. Part of this increase in spending was funded by the EU (an average of £85 million a year over the period in question) with the public sector match funding balance coming at the expense of education and health. However, in west Wales and the Valleys – the Objective 1 region where much of the increased spending was directed - relative GVA per capita declined from 69 per cent in 1999 to 64 per cent in 2007. Have the outcomes justified this diversion of funding?

The funding crunch facing Wales should prompt a culture change. Failure to change will simply make what is going to be a very difficult period even worse. Emphasis is often put on 'Team Wales' with all sectors of society working collaboratively and this is to be welcomed. However, any successful team is also prepared to analyse the reasons for success and failure, to identify weaknesses and deal with them. Unless this is done appeals to a team approach is merely rhetoric and Wales will continue to underperform ■

Eurfyl ap Gwilym sits on the boards of a number of public companies and is a Plaid Cymru finance adviser.

Eluned Morgan MEP pictured in front of the European Parliament in Strasbourg.

Frustrations of the European Message

Eluned Morgan reflects on 15 years in the European Parliament

In May 1994, amid much pomp and ceremony and just weeks before I was first elected to the European Parliament, the Channel Tunnel was formally opened. At the time, the event symbolised for me the hope of a new era of closer cooperation with our continental neighbours. Indeed, the European Community was now the European Union. Germany was a unified member. The Soviet Union had fallen and the Cold War was over. Poland had formally applied to join the EU.

Since those early days, when I served as the EU's youngest MEP, Europe has witnessed war and genocide in the Balkans, successfully steered 16 countries' economies into a single currency, and expanded from 12 Member States to 27. The EU now gives us the largest single market in the world – 60 per cent of the UK's trade is now with our EU partners and 3.5 million UK jobs directly or indirectly depend upon that relationship.

Across Wales, businesses have reaped the rewards of access to lucrative European markets and common rules that ensure they compete on a level playing field. Gone are the days when we looked with envy upon our continental cousins environmental and social rights. We now have standards higher than anywhere else in the world, and unrivalled respect and protection for democracy, human rights and minorities.

On global issues such as Kyoto and the International Criminal Court the EU has consistently taken the international lead. It is the world's biggest donor of international aid – providing 55 per cent of all assistance to developing countries. At home, EU Objective 1 funding has helped transform our economic landscape and rebuild our poorest communities. It has been my greatest professional satisfaction to see this European funding help transform lives up and down Wales.

Over the past seven years the Objective 1 programme has generated a total investment of around £3 billion in the Welsh economy, supporting the creation of 40,500 new jobs and 1,900 new businesses. Now, EU Convergence funding will pump another £1.5 billion into our economy and is already being put to work helping small businesses through the economic difficulties and preparing our skills and knowledge base for the upturn.

Yet, one of the constant frustrations of being an MEP is the almost impossible task of getting the European message through. Although it is often difficult to explain the intricacies of European laws, the fact is that sooner or later they have an impact on the lives of millions of people, here in Wales and throughout the EU.

For workers in Wales Europe has enshrined the right to four weeks holiday pay, rights for part-time and fixed-term workers and proper standards of health and safety protection. For women, European laws ensure equal pay, protection from sex discrimination, and the right to 26 weeks of maternity leave. For consumers, there is clearer food labelling, protection from the most dangerous chemicals, and plans to slash the price of using mobile phones in Europe.

For tourists there is free medical help across Europe, compensation for passengers suffering air delays and laws that make it easier to buy a holiday home in Spain or France.

For our environment and culture the EU Blue Flag scheme means we have far cleaner beaches, targets for $C0_2$ reduction, recycling and reducing landfill, and protection for minority languages - including Welsh.

In a globalised world, few problems stop at national borders and we are all interdependent, whether we like it or not. Climate change, energy insecurity, terrorism and economic competitiveness all require us to work together. Though the challenges may have changed, the reasoning stays the same. Today, as fifteen years ago, we can achieve more working together than we can alone ■

Eluned Morgan will stand down as a Labour MEP at June's European elections.

Looking to Brussels

Simon Mundy says the June European electionswill mark a coming of age

Dwarfing all other political building in the world – the European Parliament in Brussels.

This June's European election is the most important in not only the Parliament's but the European Union's history.

It is the first time that all 27 nations, including all those that we think of as Eastern European, will elect together on the same set of party manifestos. In itself that is a sign of extraordinary political movement, just 20 years after the fall of the Berlin wall. There is a sense of coming of age. The vast Parliament building in Brussels is finished at last – a huge steel, glass and stone statement of ambition that dwarfs any political building in the world, even the United Nations in New York and Geneva.

More significantly still, the new Parliament will soon have far more power. Under the Treaty of Lisbon it extends it's ability to hold the Commission to account, shape and require legislation, and take a more active role in foreign affairs. It already uses its powers to police the money side of EU activity to a degree that sometimes scares Commission officials into inventing ever-more fail-safe conditions for distributing programme funds. The resultant bureaucracy can make dealing with the EU a cumbrous nightmare. But one can't have it both ways. Either there is an exacting standard of Parliamentary oversight, or we go back to the days when Europe was a honey pot.

However, nothing is quite certain yet because the Lisbon Treaty cannot begin to operate until Ireland says yes in a referendum. So far it has said no once. Most people in Brussels assume that Ireland will change its mind if asked again in the autumn, largely because the alternative is too complicated to contemplate. In fact there is nothing certain about it, and if the current fury with governments' handling of the economy continues it is highly likely that the Irish will vote no again and again just to show their annoyance.

The EU will then have to invent a new process, suspending or ignoring Ireland, while the rest of us go ahead. This has to happen because the legal basis of the old Treaty of Amsterdam specifically lapses on the day the new Parliament is elected. If the Lisbon Treaty doesn't come into force, then technically there can be no new Commission or anything else, and the EU's budget will be illegitimate at the end of the year.

Basically the whole edifice then crumbles, no doubt to the joy of anti-European nationalists everywhere. At the moment the intention seems to be to extend the remit of the current Commission until either Ireland ratifies or is cast adrift, possibly swapping places with Iceland (only a change of

one letter, after all).

However, from a Welsh perspective, beginning to shift our natural political interest away from Westminster and more towards an axis between the National Assembly and the European Parliament would pay dividends. For a start the two bodies are much more similar to each other than they are to the UK Parliament. They are more evenly balanced politically, usually needing a coalition to function well. Both are just starting to acquire law-making powers but the emphasis is still on holding the executive to account and using a strong committee structure to scrutinise the bureaucracy.

Both are technologically up-to-date and sit in a broken circle format, with a President (or Presiding Officer) rising above the fray. And in each case the scrutiny of budget lines goes far further into the heart of the public finances than it ever does in the House of Commons. It is arguable that, between the two institutions, close to 70 per cent of the decisions that directly affect voters in Wales are taken or shaped in Cardiff and Brussels.

If only the media would catch up with that fact, we might be able to move into this new political landscape with our eyes open. As it is, the received wisdom that voters either don't understand or actively loathe all matters European becomes self-fulfilling. Editors assume it to be true so cover our wider politics accordingly. It plays into their, and often their proprietors', comfort zone. Most are incapable of reading journals from other countries and cannot be bothered to glance at the few English language based ones, like *European Voice*, that deal with EU issues in any depth.

So here is a quick list of the issues that voters should ponder when deciding to vote for the PSE (European Socialist Party, including Labour), ALDE (Alliance of Liberal Democrats for Europe), EPP (European People's Party – including the Conservatives, although David Cameron wishes it didn't), GEFA (Greens and European Free Alliance – including Plaid Cymru), or ID (Independence/Democracy Group – including UKIP).

Setting the budget for the next four years is going to be a nightmare. Traditionally the Parliament wants to see more spending (especially in a downturn), the national governments less. For voters in Wales, European spending has been crucial in stimulating urban regeneration and the rural economy. The Brussels Parliament is also the one institution that can take a critical look at the European Central Bank, and with the Bank of England's room for realistic manoeuvre in relation to the Euro decreasing, that scrutiny will affect us all.

"It is arguable that, between the two institutions, close to 70 per cent of the decisions that directly affect voters in Wales are taken or shaped in Cardiff and Brussels.

If only the media would catch up with that fact, we might be able to move into this new political landscape with our eyes open."

Building a European Foreign and Defence Policy is going to take on far greater importance in the next few years. While France and Britain pretend that they are still in the driving seat, the reality is that, in relations with China, Africa, Russia and the Middle East (the EU is by far the biggest donor to Gaza, for example), it is joint European activity that is seen as the most influential, both in programmes and political development.

Wales's particular concerns with regional development will depend largely on pressure from the European Parliament to make sure that the Commission and the member-state Governments don't let prosperity concentrate in the centre. Over the last 40 years a great success of the European Union has been its ability to spread the benefits to those areas that were traditionally ignored.

Then there are all the small technical matters, implemented by the Commission but decided by the Parliament, which slowly but surely shift the quality of life. These range at the moment from roaming costs on mobile phones, rules for the insurance industry, equalising health care wherever you happen to fall ill in Europe, to eco-labelling of products and fair and civilised treatment for victims of people trafficking. Of course, as a writer, the one I like is the move to increase copyright from 50 to 70 years after the author's death: at last a real incentive for my family to keep me in print ■

Simon Mundy, founding President of the European Forum for the Arts and Heritage (now Culture Action Europe), is a writer living in Powys.

Denbighshire Debacle

Derek Jones on the lessons we should learn from the travails of a Welsh county council

The chief executive of a county council suddenly resigns (November 2008), and is gone within days. The day after his departure, a most unfavourable report on the governance of the county is published, prompting inevitable speculation – did he jump or was he pushed?

We may never know because, before he clears his desk, the chief executive in question insists that a confidentiality clause has been clipped to his lump sum settlement, preventing either his former colleagues, or the citizens he was paid to serve, from discussing the matter. Ian Miller's denial that his departure had nothing to do with the contents of the report was, hardly unexpectedly, treated with the utmost scepticism. This was Denbighshire, the county where I have lived for the past ten years.

Denbighshire already had 'form'. This was just the latest of several intimations that something was seriously wrong. In November 2007, the county council had opened Hyfrydle, a home for six children with autistic spectrum disorders. A mere eight months later, having failed to find more than two children who might have benefited from taking up residence there, and having presided over considerable staff turnover, they closed the home down. One can imagine the soul searching of the Denbighshire cabinet. Yet it is hard to credit that the decision to open the home was accompanied by so little 'marketing'. This was the incident which prompted the more general review of Denbighshire's corporate governance, the results of which we now know.

But even this was not the first time that Denbighshire had been hauled over the coals. In September 2007, Estyn found that the county's educational performance was below average for children at the ages of 7, 11 and 16. Of 22 local education authorities in Wales, Denbighshire came 19th for the percentage of its students gaining two AS or A Levels.

A month later, the cabinet lost – though hardly decisively – a vote of confidence in its conduct of the county's affairs; a new leader was elected and a new cabinet appointed. The Welsh Assembly Government instructed that major plans for improvement should be drawn up under their supervision, and the necessary remedial action monitored. The extent of the council's progress will be made known this Spring.

Ian Miller – did he jump or was he pushed?

And so to what is, for many local citizens, and even for some councillors, the starting point of this tale of woe: the unexplained departure, in October 2007, of Sioned Bowen, the county's well-respected Director of Education. The official line at the time was that she was not at her desk, but had not been suspended, or dismissed. The Chief Executive, Ian Miller, wrote to councillors urging them not to discuss the matter in public.

As with any news blackout, rumours, some of them most unsavoury, began to circulate. Finally, it was announced that Ms Bowen had resigned. No details were released of the reasons for her resignation or the terms of the settlement that had been agreed. That this episode had nothing to do with Sioned Bowen's competence or performance was confirmed later when she landed an important job with Estyn. Citizens were bound to speculate that there had been a clash of personalities or, worse, that Denbighshire, aware that their educational services were seriously under-funded, did not have the will or the ability to remedy the problem. We still do not know the truth of the matter.

But now, a year later, here we are again. Denbighshire denied that Mr

> "As with any news blackout, rumours, some of them most unsavoury, began to circulate."

Miller's very sudden departure (chief executives normally give six month's notice) had anything to do with the results of the Audit Commission's unfavourable report on the county's governance. However, we do know that the commission found poor communication and coordination at the heart of its unsatisfactory performance, and as chief executive, Miller surely bore responsibility for that. He presided over a major re-structuring of the administration in 2002-3, intended, presumably, to improve

communication and coordination.

Quite evidently, it did no such thing, and dispensed with the services of a good many experienced officers in the process. From the outside (and it is shocking that a local authority is so distanced from its citizens that they are reduced to guesswork about the real state of its affairs) you get the feeling that both institutional and personal relationships at the top had gone seriously wrong.

The water was further muddied by Mr Miller's renewed insistence that the terms of his settlement should remain confidential. The county council's policy of non-disclosure (already applied in the case of Sioned Bowen, and extended, I understand, to lower levels of the hierarchy when a person leaves unwillingly or in controversial circumstances), ostensibly to protect individual privacy, is here being invoked to prevent discussion of matters of legitimate public concern – or so it is bound to seem to those who are outside the loop. The former chief executives of banks and major companies in the private sector have been, on the other hand, much more brazen and perhaps that's healthier (though only in that respect!).

Two aspects of these affairs are worth further analysis because they raise more general questions about the state of local government in Wales. Like many other authorities, Denbighshire has adopted the cabinet system. The advantages are obvious. Instead of the previous protracted system of decision-making, you have an executive which works, virtually full time, on the budget, general strategy, and major decisions: the Westminster model. But there is a crucial difference - Westminster cabinets are made up of ministers from the same party, who may be presumed to share enough of a common outlook for coherent government, and who are more broadly accountable to their party and to parliament.

A local cabinet is similarly accountable to the council as a whole, but need not be made up of members of the same party. The leader of the council, who makes cabinet appointments, does not, in doing so, even have to reflect the electoral arithmetic. The biggest single party in Denbighshire, the Conservatives, have two cabinet seats out of nine; the independents have three, Plaid Cymru, two, and Labour, one. To achieve a balance of skills and gender and to maintain it when cabinet members are divided along party lines must demand some very deft footwork by the council leader. One senses a good deal of pulling and pushing in the background of recent events in Denbighshire.

Moreover, under the local cabinet system, a council is dependent – perhaps more dependent than it should be for political health – on professional chief officers, well seasoned in local government experience, who can offer objective advice to the cabinet, untrammelled by party or local loyalties. The waters can surely be very easily muddied.

Who has the real power when so much depends on detailed examination of complex matters – the cabinet or the officers? Conversely, perhaps they have to work together so closely that it sometimes appears that they are indistinguishable. Is it not just possible that the key to some of the mysteries of the Denbighshire debacle lies in a separation between the cabinet and chief officers on one side, and the rest of the council on the other?

Certainly that's how it appears to some members of 'the poor bloody infantry', ordinary council members feeling, in many respects, excluded from real power and decision-making. They sit on committees, and they are entitled to attend cabinet meetings – but they cannot attend the pre-meetings and have the strong impression that everything has been cooked up in advance.

Most blatant of all, of course, in the case of Denbighshire, was that, other than cabinet members, councillors, no more than ordinary citizens, were not privy to the settlement negotiated for their former chief executive. In an ironical twist, officers have recently written to certain councillors to remonstrate about their non-attendance at committee meetings – this is doubtless justified, but it has just a touch of the pot calling the kettle black.

At the same time, perhaps Denbighshire is merely the most accident-prone of the Welsh local authorities which came into being on John Redwood's watch as Secretary of State in 1994. The Local Government (Wales) Act of that year is generally regarded as having been a botched job, and nowhere more so than in north Wales, where the only new authorities which seem to have gained from it are Wrexham County Borough Council, which has forged ahead economically and can now realistically aspire to city status during the next round of designations, and Anglesey County Council, where, it was not difficult for local authority boundaries to follow geography and a sense of local identity.

A sense of identity is much less apparent in the new Redwood authorities of Denbighshire and Conwy County Borough. They were carved, crudely, out of the 'old' counties of Clwyd and Gwynedd. Clwyd, in particular, had been a good, functioning county with many economic, cultural and political advantages. It had been in existence for too short a time to be loved, but the promise was there. Whilst Wrexham's ambition to run its own affairs could not, for ever, be

County	Population	Size (sq km)
Anglesey	68,900	711
Gwynedd	118,300	2,535
Conwy	111,300	1,126
Denbighshire	96,100	847
Flintshire	150,100	438
Wrexham	131,000	504

resisted, the 'balkanisation' of the rest of north Wales was an unnecessary and counter-productive move, which may go some way to explain Denbighshire's troubled history. Clearly Redwood was influenced by the attachment which many people felt to the pre-Clwyd county of that name – a laudable sentiment in principle, but the carve-up deprived 'new' Denbighshire of the kind of urbanity which had made Clwyd a progressive and efficient working county.

For once, small is not necessarily beautiful. The trouble with small counties is that they allow old rivalries to be maintained, such as, in Denbighshire, those between Ruthin and Denbigh, Rhyl and Prestatyn, as well as ancient antagonisms between town and country – with councillors vying with each other to get the best for their own patch. Add to that the fact that Denbighshire has no less than 43 councillors, out of all proportion to its population and land area – for an equivalent area in Scotland there would be half that number – and you begin to realise that some very clever politics indeed are needed to avoid a perpetual tug of war between separate local interests. Parochialism may also have played a part in Denbighshire's problems, especially in its treatment of schools. Perhaps the map of local government in North Wales needs once more to be redrawn.

Understandably, there is very little appetite for such root and branch reform, and the Beecham Report (2007) came out against it. Local government in Wales has already been radically re-organised twice in the last 30 years, and who would willingly contemplate yet more expensive disruption? Instead, Beecham recommended new forms of collaboration between authorities, which may be right in the short term so long as the gap between service providers and individual citizens is not made even greater.

Long term, 22 unitary authorities are surely too many for a country as small as Wales. Piecemeal boundary adjustments or mergers, applied, say, to Denbighshire, Flintshire and Conwy (it has been suggested that Merthyr Tydfil and the Vale of Glamorgan are also in need of surgery) might not require primary legislation and might pay administrative, if not necessarily democratic, dividends.

I make the distinction between administration and democracy advisedly. It is significant that local councils are, as often as not, called 'local administrations', and that the Audit Commission's complaints about Denbighshire concerned the inefficient delivery of services. Obviously the public services – environmental health, libraries and leisure, highways, housing, planning and social work, as well as education – are at the heart of local government, and, equally obviously, their performance should be subject to external scrutiny. But a council should be more than an administration; if citizens do not see democracy at work locally, they are unlikely to have much interest in it at national, let alone at European level.

I see only limited evidence that local councils in Wales go much beyond a standard model of representative democracy. A minority of us (42.4 per cent in Denbighshire) vote in our councillors every three years and expect them to get on with it, getting in touch with them as individuals if we need their help, but otherwise unaware of their discussions unless some major development or scandal reaches the local headlines.

Citizen Panels (and Denbighshire has recently re-launched their's) are a welcome first step towards an institutional recognition that citizens are worth listening to. Long term, they have the potential to change the way we organise local affairs. But they are fragile – it only takes a Denbighshire-type debacle for the whole experiment to be undermined, and for cynicism to return ■

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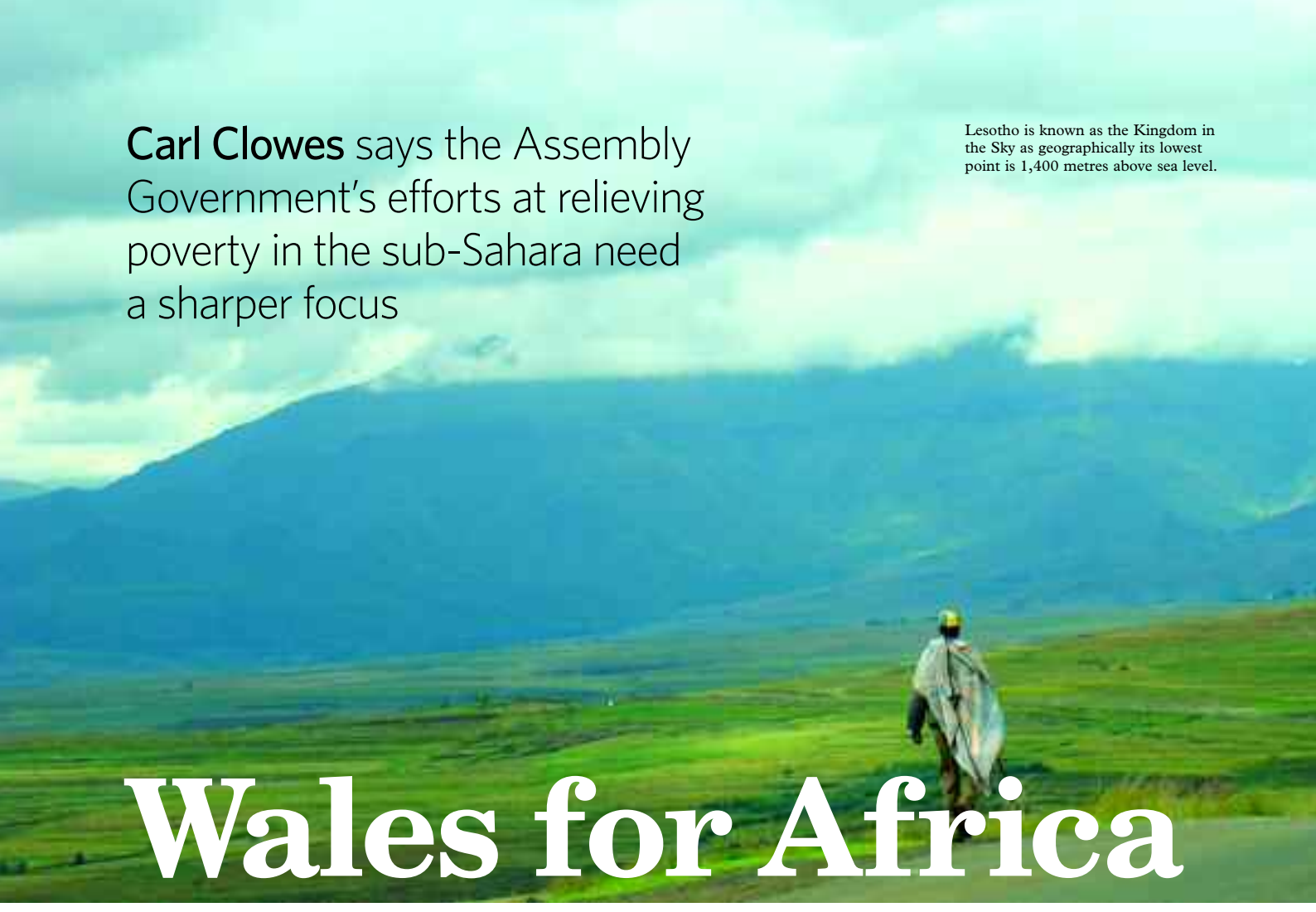
Carl Clowes says the Assembly Government's efforts at relieving poverty in the sub-Sahara need a sharper focus



Lesotho is known as the Kingdom in the Sky as geographically its lowest point is 1,400 metres above sea level.

Wales for Africa

Anyone who has had experience of working in sub-Saharan Africa can testify that facilities are often dire, professional support is frequently non-existent, training is poor, maintenance is minimal, drugs are in short supply, and poor morale leads to a brain-drain to more attractive pastures.

It is not surprising, therefore, that when a 'donor' comes along with a particular proposal, it is often snapped up in desperation. International aid to developing countries for health alone has in fact doubled to $14 billion since 2000. Much of that is aimed at individual diseases and delivered outside of recipient countries' planning and budgeting systems. It is fairly self-evident that unless programmes are integrated into routine systems, there is a danger of duplication rather than synergy.

The Wales for Africa initiative was launched by First Minister Rhodri Morgan in October 2006, as Wales's contribution to "make a reality the United Nations Millennium Development Goal of halving global poverty". The contribution is not insignificant - £500,000 a year for general activities and a further £50,000 for health related work.

As a result, a variety of countries have become the focus of initiatives in sub-Saharan Africa and more than 50 initiatives have been in receipt of support to date. This is good news and, at the same time, worrying news. It is good in the sense that there is an untold volume of good will in Wales to take the initiative in sub-Saharan Africa forward. At the same time the news is somewhat tainted by concern that monitoring and evaluating the effectiveness of such a broad range of activities is nigh on impossible within the limited resources of the Welsh Assembly Government.

How do you avoid initiatives based on individual passion which can be transient? Equally, how do you avoid visits becoming little more than safaris which we have witnessed in the past? The Welsh approach flies in the face of the useful example set by the Scottish Government which decided at an early opportunity to focus its activities on just one country, namely Malawi. The challenges facing the Millennium Development Goals are so great that there are real dangers in dissipating our limited resources, both human and financial in too many diferent directions. The limited resources of a small country such as Wales need to be focused to have a meaningful and sustainable impact.

When the First Minister launched 'Wales for Africa' he declared that the "initiative would benefit the strong links built over the last 20 years with Lesotho

and also the many other smaller links with countries and institutions in Uganda and Ethiopia and elsewhere as well as the links we have with Somaliland through the Welsh Somali community."

Indeed, at the launch he indicated that although he had come under considerable pressure during the consultation period to focus on one country, he was persuaded otherwise but nevertheless was committed to a focused approach. Hence the reference to sub-Saharan Africa. Within that region, he further indicated that there would be a limited range of countries or districts gaining support. That original agenda needs to be re-established and there needs to be greater transparency and accountability for the strategic and decision-making process over where the government of Wales channels its support.

In this effort we can build on Dolen Cymru – the Wales Lesotho Link – which was established in 1985, the first country to country twinning in the world. The aim was for Wales to identify a compatible partner in the 'developing world' where good relations could be established over a period of time.

Dolen Cymru's emphasis has always been on the development of understanding and friendship and material or welfare support was predicated on a good understanding of the recipient community. An equitable relationship has been fundamental to its success. Given that governments come and go, the focus on community to community links has led to a highly sustainable model and one that is now in its 24th year. During these decades several hundred Basotho and Welsh people have been involved in exhanges and many thousands of young children have come to know more about their 'twin' through teaching materials produced for the National Curriculum.

With links between 150 schools, a Memorandum of Understanding with the Ministry of Health, and a wealth of church, governmental, voluntary sector links and cultural exchanges, there has been an infinite variety of opportunities for enriching our experiences.

Given that one of the Millennium Development Goals is to "develop a global partnership for development", Dolen Cymru has moved a long way in achieving that. It can legitimately claim to have had an impact in the use of Welsh healthcare workers to help combat HIV/AIDS and support the volunteer Village Health Workers in addressing mental health issues. Welsh teachers have also made a significant input in supporting universal primary education in Lesotho. Both have had considerable support from the Welsh Assembly Government.

In the words of the Mohlabe Tsekoa, Lesotho's Foreign Minister, "the link is a source of hope to the people of Lesotho. It is one of the greatest developments that has come to us on a human level ... it is an example of how the peoples of the world, regardless of the distance separating them, can cooperate for mutual development and support".

In reality, the Millennium Development Goals were never going to be met. They were a political ploy by politicians to gain international favour at the onset of the new Millennium. The targets were set without any real understanding of *how* they were going to be met, *where* the finance was to come from *and* irrespective of where

Dolen Cymru has been creating links between Wales and Lesotho for over 20 years. Here, a Lesotho school choir sings the Welsh National Anthem.

Lesotho is a beautiful country, steeped in a rich history and culture. But difficult geography and communications make the delivery of essential services such as healthcare very challenging.

Above: A youngster in Lesotho sneaks a look at the camera. Dolen Cymru has touched the lives of over 40,000 pupils in linked schools throughout Wales and Lesotho.

Left: Twenty five per cent of Lesotho's population are dependent on the World Food Programme.

individual countries stood in their levels of earlier achievements.

Disappointingly, the Millennium Development Goals have become one of the main reasons why disease-specific global programmes have been so much to the fore at the expense of sector-wide reforms. The activities that have stemmed from the Wales for Africa initiative are on a relatively small scale but the lessons are still relevant. We must focus on sector-wide reform and ensure our interventions result in sustainable outcomes. Evaluation and monitoring is a constant need. In general, the case for the Wales for Africa initiative to change its focus away from the Millennium Development Goals is a compelling one.

The long-term success of Wales for Africa remains to be seen. In the meantime, the huge opportunities for personal development that have emanated from various links with sub-Saharan Africa, pre- and post- Wales for Africa are incontrovertible.

Nobody can deny that, handled effectively, in an equitable relationship, Welsh personnel gain every bit as much as they are able to give and this is a great strength that we can build on. These gains for Wales are, of course, the only reason that the Welsh Assembly Government can operate in sub-Saharan Africa. The Welsh devolution 'settlement' (Wales Acts 1998, 2006) doesn't permit otherwise. Our answer is for some of the Whitehall Department for International Development's responsibilities to be transferred to Cardiff Bay to legitimise and strengthen our activities in the developing world ■

Dr Carl Iwan Clowes, Honorary Consul for Lesotho

The Cwm coking workings at Beddau, the largest single eyesore in industrial south Wales. Renovation of the site is made more difficult by the listed timber cooling towers.

Repaying an Outstanding Debt in the Valleys

Gwyn Griffiths describes the extent of the Welsh land reclamation task still to be finished

In the half century since the Aberfan disaster in October 1966, so much land and derelict sites have been reclaimed in the Valleys that many may think the job is done. However, some very large and challenging brownfield sites still remain to be improved and could provide a platform for recovery in some our most economically disadvantaged communities.

Paradoxically, the current economic downturn is creating an opportunity. For it is creating a time slot during which the sites can be reclaimed and prepared for development. If the opportunity is taken, then when the reserve of currently available land has been diminished, in say four or five years time, these sites will be ready for use. However, inaction until there is a renewed market demand could set them back for a further four or five years.

Four of the major opportunities for development in the Valleys are:

- **The Cwm Coking Works** at Beddau is probably the largest single eyesore in industrial south Wales and its negative visual impact is massive. The site poses complex technical problems in terms of clean-up, made more difficult by the retention of the listed timber cooling towers.

- **Bedwas Colliery** has numerous physical and chemical challenges to overcome, and might best lend itself to being turned into a green amenity area, in compensation for hard development on other green field sites in the vicinity. This obviously conflicts with the current views of the Local Authority and the financial aspirations of the owner. A satisfactory compromise might be to carry out the basic clean-up, landscaping and vegetating of the site, leaving it as an amenity in the short to medium term, with site servicing and infrastructure being left until development is committed.

- **The British**, a former 200 acre former industrial site in Talywain, Torfaen, is a significant eyesore, the only major development prospect in the heavily developed upper Eastern Valley. In early 2008 it was acquired by Spring UR, a sub-division of Castlemore Securities, with the aim of developing a £100 million housing, business and retail development scheme. However, at the end of February 2009 Castlemore Securities entered administration. Coming on top of the downturn this is likely to mean the British will need more public sector pump-priming. The site has the potential to be a showpiece of its type, with its stunning surrounding landscape coupled with the surviving elements of its industrial heritage.

- **The Phurnacite site** at Abercwmboi in the Cynon Valley, the only large, flat, developable site between the north of Aberdare and the south of Abercynon is well on the way to being remedied. However, there is still a need for further public investment.

These are just some of the major sites in the Valleys that await reclamation. Elsewhere there are small sites that need specific support, including such former collieries as Navigation at Crumlin, Penallta, and Llanbradach.

Early progress and treatment of these sites will remove the blight from their surroundings, so enhancing quality of life and attractiveness of their localities. However, it is the case that in all but the last decade of relative property boom, regeneration of almost all of such difficult sites in Wales have depended wholly or in part on a major public sector led or, or pump-priming, input. Development of Swansea Gasworks by Tesco is a rare but explicable exception. It is noteworthy that all four of the major sites listed above have been vacant for much of the previous favourable property development decade, or even longer. Indeed, the British first receiving outline planning consent for residential development in 1975.

There are four broad options for making progress on these sites:

1. Buy-out of the private interest by the public sector.
2. Public subsidy to the private owner to overcome the 'site negatives'.
3. Pro-rata Joint Venture.
4. Subsidised Joint Initiative - a mix of 2 and 3.

The buy-out option ties up large sums of public money for a lengthy period until the market hopefully improves. It also commits the public owner to make large investments to rectify and possibly service the site for development. Furthermore, for a few years, it is unlikely that the owner will sell at a true market level, which has fallen significantly from that value which he had grown to anticipate.

A public subsidy might achieve similar aims, but in the short term, owners may be reluctant to commit the staff and resources necessary to drive forward the improvement of the site, with little prospect of any early return. On such large and long-term projects, with their inevitable uncertainties on cost and income, it is very challenging to structure

Top: Remains of Navigation colliery at Crumlin in the Rhymney Valley.

Middle: A view of 'The British' at Talywain, Torfaen – a 200 acre industrial site that first received planning consent for residential development in 1975.

Bottom: Remains of the Phurnacite plant at Abercwmboi in the Cynon Valley – further public investment is needed.

a subsidy mechanism which adequately protects the public purse, yet financially tempts the owner to take the project forward.

While attractive to the public purse, a pro-rata Joint Venture rarely works because, if the site has an overall negative value, the owner is being asked to share that loss pro-rata.

In most cases, therefore, a subsidised Joint Initiative best fits these difficult sites. The public sector can focus its subsidy component to deal with the major site legacies and needs, while retaining a share of returns to reflect relative contributions and the public benefits to be obtained.

Dealing with all of the remaining difficult derelict sites could require gross funding of some £180 million over the next 10 years. An investment of this order will, of course, present the Welsh Assembly Government with difficult choices at a time of ever tougher financial stringency. However, it would remove eyesores, hazards and blight from communities needing comprehensive regeneration and release vital land for development. Reclaiming these sites is expensive and not very labour intensive. But it is an essential fore-runner to construction and regeneration work which is very labour intensive, particularly in the construction sector which has been hit so hard by the economic downturn.

The process of upgrading and regenerating the many communities in the Valleys is of much greater importance than the 'tail-end' of the reclamation process. Yet to a great extent it is dependent upon it. Whilst much has been done, much more remains, A working fund of less than £40-50 million a year is unlikely to have an impact sufficiently quickly in the Valleys. These are gross figures to be used directly, in partnership or as gap-funds, and will match or lever other funds being invested by other arms of the public sector, service providers and developers. They will bring direct and indirect returns, although the scale and timing of those returns will rest heavily on the speed and timing of economic recovery.

The costs are dauntingly high, but without them the Valleys will continue to decline. The expenditure should not be regarded as a subsidy for the Valleys. Rather, it should be seen as an item omitted from the balance sheet of the industries which have fuelled the British economy for almost 200 years ■

Gwyn Griffiths, Director of Land Reclamation with the Welsh Development Agency between 1984 and 2004, is a consultant engineer.

Green Deal

Phil Cooke traverses the statistical swamp of the Assembly Government's green jobs strategy

The opening chapter of the Government's consultation on a strategy for *Green Jobs for Wales*, published in November 2008, kicks off with the following grand claim:

The value to the Welsh economy of 'Green Jobs' is already estimated in excess of £1 billion (CBRMi, 2008).

The £33m Western Wood Renewable Energy Plant at Port Talbot, developed by Eco2, turns clean, surplus wood from the local timber industry into sufficient electricity to power 31,000 homes. As well as contributing to the local economy through fuel supply contracts, 20 new green jobs have been created to maintain the plant's 24 hour operation.

As someone professionally interested in such estimates, I turned to the bibliography, not least since it is such a perfect round number that is being exceeded. I was disappointed since the CBRMi citation is the only one out of 59 not included. Suspicious, I *googled* it and there was CBRMi, Bangor University's newly re-launched Centre for Business and Research and Market Intelligence.

Another view of the Western Wood Renewable Energy Plant at Port Talbot.

In 2006 CBRMi did a study of green enterprises in Anglesey, Gwynedd, Conwy and Denbighshire and found some 260 firms. It transpires that the £1 billion+ for Wales was derived from a report by the Peterborough-based Centre for Economic and Environmental Development. However, there is no report visible on this Centre's website that contains the claimed numbers.

So, it's a mystery. Why do I bang on about such trivia? Because the environmental economics area is a statistical swamp in a methodological tundra. Everyone and their partner seems to be beavering away on different metrics. Government data are particularly inclined to warrant the statistical health warning.

For instance, on more than one occasion in the last six months Gordon Brown has claimed 100,000 UK jobs will be created in *clean technology* industries. But so late were our island's governors in waking up to the problem, let alone the solution, that this will not happen. In November 2008 the hard-nosed National Institute for Economic and Social Research concluded that, at best, about one-third of the claimed 100,000 could reasonably be anticipated.

Commendably, the Assembly Government consultation document is more sober. It sticks to past estimates that green technology already contributes 9 per cent of Gross Value Added to the Welsh economy though, again annoyingly, that statistic isn't sourced or cited. Frankly, it all seems a bit of a rushed job.

A final carp before looking a bit more closely at how 'green jobs' might arise more coherently is that the consultation is peppered with the Assembly Government's main declared function in meeting the aspiration: namely, 'support'. I did a content analysis of the report and found that old 'supply-side' weasel-word occurring *eighteen* times. That is not counting its cognates like 'promote', 'encourage', 'assist' or 'work with' which also occur frequently.

The point is that we have moved into a 'demand-side' policy world, with the name of Keynes occurring in the popular presses with greater frequency than that of Duffy. Even Marx is being evoked as the newly re-fashionable concepts of nationalisation and the rise of state intervention bestride the media. It is, to say the least, mildly disturbing that a document published in November 2008 does not to take this sea-change into account.

Of course, 'supporting' is also consistent with not doing very much, as those who have ever attended meetings which purport to be vehicles for 'networking' will understand. However, it seems to facilitate the grandest of claims and the *Green Jobs for Wales* consultation report really loads up the constituencies it will benefit.

Thus "better conditions ... for our less well-off communities" and "positive social outcomes … in our less well off communities" cover the Social Exclusion constituency; "knowledge-driven economy" covers the Lisbon Agenda constituency; "meeting our targets on carbon emissions" nods to Kyoto and, later this year, Copenhagen that hosts the UN's Climate Change Conference to update the Kyoto emissions protocols; while in the present economic context "creating jobs" will be welcomed by all. The last is the reason for the report; the rest is probably, at best, wishful thinking.

For the bankers have changed everything. They have certainly knocked the green item off the top of the agenda. Yet, it is striking how Barack Obama and other leaders see the imperative of a 'Green New Deal' as a response to the not especially 'creative destruction' recently meted out on Western capitalism by its financial parasites.

Keynes once said that finance capital was different from non-finance capital in the following way. If a farmer behaved like an investment banker he would wake up in the morning, see it was raining,

and sell the farm. Then, in the afternoon, when the sun came out, he would buy it back again. Even my agrarian Cardiganshire forebears never quite managed that level of 'arbitraging'.

But among many things including private consumption, demand-side means *public procurement*. The Welsh Assembly Government controls 22 local authorities, NHS Wales and its hospitals, day care centres, and long-term care centres, schools, colleges and universities, museums, libraries and art galleries and, crucially, their *budgets*.

What a grand day for green jobs in Wales it would be if, at the very minimum, these public bodies were required to source an experimental 20 per cent of their supplies from locally or regionally grown or processed food for their canteens. What about demanding green fleets of vehicles? Wales has one of Europe's noteworthy Hydrogen Fuel Cells clusters including the Naro Car Company and Connaught Engineering. The experiment could be ratcheted up every six months or so, based on learning how to change demand patterns.

Recently, Welsh local authorities were taken to task for shutting down half their street lights to save electricity when the price of energy was high. I never once heard the notion that they might make a one-off investment in light emitting diode (LED) street-lamps that would save them thousands a year anyway. And why not put in LED traffic lights at the same time? Probably the collective councillors of Wales would think I was hallucinating if they ever heard such apparent *rwtsh*. But these lamps exist, are installed in some towns and cities, New York City for one, and produced by small, smart firms in places like Jutland, Denmark. They could be produced by *Enfis* in Swansea.

Need I go on? It is evident that the *Green Jobs for Wales* strategy that comes out of the present consultation process should be bolder. Will it, for example, say that the Assembly Government supports local District Heating schemes and Combined Heat and Power Stations?

> "Recently, Welsh local authorities were taken to task for shutting down half their street lights to save electricity when the price of energy was so high."

This would help create more jobs in companies like Cardiff's *Eco2* that designs local biomass power stations for customers all over England, Spain and even gets orders for its straw-burners from Romania. It gets few orders in Wales, the renewable energy plant at Port Talbot featured in the previous page being a rare exception.

Would Assembly Government representatives lobby UK government legislative processes to 'support' such firms when, as in the case of Gordon Brown's Eco-towns idea, now stymied by all sorts of blockages, the first draft of the legislation allowed for 'collective energy' provision, stimulating the likes of *Eco2* to treat biomass District Heating as an interesting and important new market.

What was the problem? Well, by the time 'big power's lobbyists had got at it, the second draft stated that power supply would be according to 'individual choice' meaning no combined heat and power schemes or localised supply could compete or survive against 'big power'. Will the Assembly Government help those who would like to generate their own renewable energy to be able to feed-in surpluses to the grid? What more enjoyable pastime for a deracinated Cardi than to observe his smart meter informing him that his feed-in tariff was currently reducing her electricity bill by a pound an hour.

These are the kind of dreams that an Assembly Government demand-driven *Green Jobs Strategy* could project. Work should begin on a re-think immediately. The new way to think about doing social, economic and environmental good should be to aim to be a European 'Transition Region'.

Many readers will have heard of *Transition Towns*. 'Transition Regions' are one step up. They innovate green technologies and they sell them via public procurement and to private markets, sometimes with consumer *subsidies* (dread word). This protects an emergent green technology *niche* so that a market can grow. Green technologies such as District Heating expertise with firms collaborating and mixing solar, wind and biomass or biogas can grow within such partially protected market which can be highly innovative. For example, the Danes power many of their combined heat and power schemes with the surplus pig manure from their bacon industry. With the development of such innovative technologies, export markets like China and India can open up, creating vast new demand.

In European regional terms, a new *regime* may be said to have been put in place when that regional production-consumption link is made. That region is in *transition* to an ultimately new socio-technical *landscape*. In this no hydrocarbons are used, or if they are emissions are sequestered – a term that resonates in our coalfield – underground.

Such a global post-hydrocarbon *landscape* would mean that *all* jobs in Wales would be green. In *Proverbs 29:18* the Bible says: 'Where there is no vision the people perish". It is a prescient statement that Assembly Government policy drafters would do well to ponder upon as we face global warming, not to mention fiscal storms ■

Professor Phil Cooke is Director of the Centre for Advanced Studies at Cardiff University.

The Queen and Presiding Officer Lord Dafydd Elis-Thomas at the official opening of the Senedd in 2006. This 'dignified' part of the emerging Welsh constitution – to use Bagehot's phrase - is working well. It is the 'efficient' part of legislating for executive action that needs reform.

Bypassing the Assembly

Marie Navarro and David Lambert find that new powers are being handed to Wales without scrutiny or debate

Reading the media, and the statements of some AM and MPs, the impression is that all new devolved powers since the 2006 Government of Wales Act came into force have been the result of Legislative Competence Orders (LCOs). These are the Westminster procedures through which the Assembly seeks authority from Parliament to make primary legislation.

However, in practice the main way the Assembly is receiving new legislative powers is directly by Acts of Parliament. These 'framework powers', which add Matters to Schedule 5 of the 2006 Act set out the Assembly legislative powers. Also, new Acts are passing new responsibilities to the Assembly Government with little debate or scrutiny, either at Westminster or Cardiff Bay. Since the Government of Wales Act 2006 came into force following the May 2007 election, the National Assembly has been by-passed for most devolved powers.

The media has concentrated on the problems of getting the Assembly's legislative bids by means of LCOs through Parliament. What has not been commented upon is the way in which the LCO system and the Assembly itself have been excluded from the bulk of the transfer of powers during the last two years. LCOs are only the tip of the iceberg of the transfer of powers to Wales by means of framework powers, Transfer of Functions Orders and executive powers in Acts. During the present 2008-9 session of Parliament the Assembly is still by-passed but at least its existence and role as a legislature is receiving greater recognition.

In the last eighteen months Parliament has agreed three LCOs under Part 3 of the Government of Wales Act 2006, adding 12 new Matters to Schedule 5. This Schedule now contains 47 Matters, 35 of which are in force and another 12 are being proposed.

Yet the 12 Matters which have arisen from the three LCOs have been far outweighed by Acts of Parliament. These have resulted in 23 Matters being added to Schedule 5. In addition 10 further Matters have been devolved as a result of 'Conversion Orders', a device to devolve powers from existing Acts. In all, therefore, 33 Matters have come from Acts of Parliament, against 12 from LCOs. These 33 Matters were never debated widely either in the Assembly, the Welsh Affairs Select Committee or in the press. The Assembly has no say in the nature or extent of the framework powers.

Some of the Matters handed down directly by Parliament are very wide, for example Matter 12.1 inserted by the Local Government and Public Involvement in Health Act 2007. Others are narrower, for example Matter 18.2 inserted by the Planning Act 2008. Overall there are many more such Matters than those introduced by LCOs, as shown in **Table 1**.

Outweighing all the legislative powers given to the Assembly, either through LCOs or framework powers, is the practice of giving powers to the Welsh Assembly Government directly by Acts of Parliament.

In 2007-8 there were 21 such Acts, of which six gave executive powers to the Assembly Government only; 10 gave both executive powers to the Assembly Government and affirmative or negative resolution procedure powers to the Assembly. A further 5 Acts gave both executive and legislative powers to the Assembly Government and the Assembly.

However, what 16 Acts did not give the Assembly is the legislative power to make Measures within the scope of the Acts. This is surprising in that some of the Acts are in the main devolved fields such as education, health and housing.

What is even more surprising is that the Assembly Government obtained executive powers under six Acts for which there was no parliamentary control in the form of affirmative or negative resolution debates given to the Assembly. The existence and role of the Assembly as a legislature was therefore totally ignored six times that parliamentary year.

The latest Queen's Speech unveiled the legislative programme of the UK Government for 2008-09. Of the 13 Bills announced in the speech, nine UK Bills would devolve powers to the Assembly Government directly. Of those nine Bills, two would also give legislative powers to the National Assembly for Wales. Four Bills would not devolve any powers to either the Assembly Government or the Assembly. The total number of 13 Bills is very low as this year's the Queen's Speech contains half of the usual number of Bills. We must assume that this is because the UK government's priority is to deal with the economic crisis.

Unlike 2007-8, there are so far no powers given to the Welsh Ministers directly which are not also subject to affirmative or negative resolution procedure in the Assembly. However, apart from the two Bills giving framework powers to the Assembly, there are no other Bills containing framework powers.

In the last two years, the proportion of executive devolution only, against combined legislative and executive devolution is respectively 21 to 2 and 7 to 2.

In evidence to the Assembly's Subordinate Legislation Committee in December 2008, the Counsel General, Carwyn Jones, said Bills which give legislative powers to the Assembly and/or executive powers to the Assembly Government, are not matters for the Assembly's involvement. He declared that Parliament can delegate powers to the Welsh Ministers directly and that it is "a matter for them … as to whether Welsh Ministers receive that power". The Assembly does not have a role in deciding whether the Assembly Government receives specified powers. According to the Counsel General, the Assembly only has a role, through scrutiny by one of its Subject Committees, when the Assembly Government "seeks to exercise that power".

Carwyn Jones was clear that decisions in relation to having and framing Measure making powers in Bills are taken collectively "in the Welsh Assembly Government and UK Government". He insisted that any decision to confer

Table 1: Sources of new powers handed to the Assembly since May 2007

Powers status	LCOs	Framework Powers	Conversion Orders
In Force	12	23	10
Proposed	3 (new) 5 backlog 2007-8	4 (new)	0

Table 2: Powers transferred during 2007-08

Executive Powers only	
Mental Health Act 2007 c.12 - NAW= Welsh Ministers	Schedule 5 Field
Consumers, Estate Agents and Redress Act 2007 c.17	Schedule 5 Field
Offender Management Act 2007 c.21	X*
Sale of Student Loans Act 2008 c.10	Schedule 5 Field
Criminal Evidence (Witness Anonymity) Act 2008 c.15	X
Human Fertilisation and Embryology Act 2008 c.22	X
Executive and Assembly +/- resolution procedures	
Rating (Empty Properties) Act 2007 c.9	Schedule 5 Field
Concessionary Bus Travel Act 2007 c.13	Schedule 5 Field
Tribunals, Courts and Enforcement Act 2007 c.15	X
Statistics and Registration Service Act 2007 c.18	X
Regulatory Enforcement and Sanctions Act 2008 c.13	X
Housing and Regeneration Act 2008 c.17	Schedule 5 Field
Health and Social Care Act 2008 c.14	Schedule 5 Field
Serious Crime Act 2007 c.27	X
Dormant Bank and Building Society Accounts Act 2008 c.31	X
Climate Change Act 2008 c.27	Schedule 5 Field
Executive and Legislative powers	
Further Education and Training Act 2007 c.25	Schedule 5 Field
Local Government and Public Involvement in Health Act 2007 c.28	Schedule 5 Field
Education and Skills Act 2008 c.25	Schedule 5 Field
Local Transport Act 2008 c.26	Schedule 5 Field
Planning Act 2008 c.29	Schedule 5 Field
TFO	
The Welsh Ministers (Transfer of Functions) Order 2008 No. 1786	Schedule 5 Field

* Outside of the scope of Schedule 5

Table 3: Powers transferred during 2008-09

Executive Powers only	
None so far	
Executive and Assembly +/- resolution procedures	
Apprenticeships, Skills, Children and Learning Bill	Schedule 5 Field
Coroners and Justice Bill	Schedule 5 Field
Health Bill	Schedule 5 Field
Policing and Crime Bill	X*
Welfare Reform Bill	Schedule 5 Field - partly
Executive and Legislative powers	
Local Democracy, Economic Development and Construction Bill	Schedule 5 Field - partly
Marine and Coastal Access Bill	Schedule 5 Field
Not published yet	
Child Poverty Bill	Schedule 5 Field
Equality Bill	Schedule 5 Field - partly
TFO	
The Welsh Ministers (Transfer of Functions) Order – Building Regulations	Schedule 5 Field

* Outside of the scope of Schedule 5

powers in a UK Act is one for Parliament.

This process totally excludes the Assembly, and was not accepted by Members of the Subordinate Legislation Committee. However, it has not altered the views of Assembly Government.

To make matters worse, the old route of Transfer of Function Orders is still being used in addition to the Acts. Last year there was one such Order transferring some executive powers to the Assembly Government in relation to mental health. This year the same device is expected to transfer powers over building regulations.

What all this reveals is that executive devolution as established under the Government of Wales Act 1998 is still predominant, even under the Government of Wales Act 2006. This may come as a surprise to many people. The surprise is even greater as the transfer of executive powers is preferred to the transfer of legislative powers in main devolved fields such as education and health.

The surprise continues when looking at **Tables 2 and 3**. These show that executive powers are also transferred outside the scope of Schedule 5 Fields. For example, some relate to criminal law, human fertilisation and embryology, banks and coroners.

The operation of the new system demonstrates that between them, the government administrations in Whitehall and Cathays Park decide on the scope and extent of powers to be devolved, even the legislative powers of the Assembly. They also decide the route by which powers are devolved, either by direct executive transfers or via framework powers in Acts or Transfer of Functions Orders or Legislative Competence Orders.

The Assembly has no say in any of these decisions or in the contents of the resulting Bills or other legislation. While they can debate the Bills after they are published they have no machinery to influence their contents as the Bills go through Parliament. It can only influence the contents of Legislative Competence Orders which so far have been the marginal source of new power in Wales.

There is no doubt, therefore, that in the first years of the operation of the Government of Wales Act 2006 the Assembly has been by-passed for most devolved powers. This surely goes against the sentiment in the White Paper that preceded the Act, which stated, "The Government believes that it is now time to re-balance legislative authority towards the Assembly." Experience so far suggests that we will need to move to Part IV of the 2006, giving full legislative powers to the Assembly, following a referendum, before this aspiration will be realised ■

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Creating a Welsh Jurisdiction

Phil Richards says Wales should take control of her Justice system

All together now for a Welsh jurisdiction - the legal establishment on parade at a Senedd opening.

"How can you as an Assembly, address common criminality, low-level crime and youth disorder when you are responsible for only some of the levers for change, when you have responsibility for education and health and social development but have to rely on Westminster for policing and justice?"

Prime Minister Gordon Brown asked this question on 16 September 2008. He presumably realised he was not in Cardiff where his question may well have received a sympathetic response. However, he was at the Stormont Assembly in Belfast where the executive had not met for three months. This was a consequence of Sinn Fein's anger at the refusal of the Democratic Unionist Party to advance devolution

of justice and agree to the passing of an Irish Language Act along the lines of the Welsh Language Act of 1993.

The Government at Westminster had not merely been prepared to countenance the return of control over the administration of justice and the police to Stormont after the hiatus brought about by Direct Rule. Here was its leader pleading with the reluctant unionists to seize the opportunity it presented.

It is little wonder that Mr. Brown's Labour colleague, Counsel General Carwyn Jones considered it "inevitable" in his speech on the Maes at the Cardiff National Eisteddfod in 2008 that "should the situation arise where the Assembly is able to exercise primary legislative powers that a debate will have to take place as to whether England and Wales should retain a single legal jurisdiction". He was, of course, contemplating a 'Yes' vote emerging from the referendum on primary powers proposed in the Government of Wales Act 2006.

This was not the first time that Mr Jones has dipped his toe in this particular water. In September 2007 in an address to a Legal Wales symposium in Cardiff he spoke of the development of a Welsh jurisdiction. "If you've got two parliaments which have primary powers, I think it makes it very difficult to have one jurisdiction. I'm not aware of anywhere in the world where you have that."

His unawareness of such a phenomenon is shared by other lawyers. His predecessor as Counsel General, Winston Roddick Q.C., now leader of the Bar in Wales, expressed the view in the Lloyd George lecture he delivered in Cricieth in June 2008 that "a devolution settlement by which the Assembly is given full legislative competence but not the responsibility for the administration of justice would be dysfunctional, constitutionally unsound and demeaning to Wales's developing constitutional status".

Such a settlement would leave Wales, unlike Scotland, Northern Ireland, the Isle of Man and the Channel Islands, without the responsibility for the administration of the laws which its legislative body passes. It was the absence in Wales of a jurisdiction which the Kilbrandon Commission in 1974 cited as a justification for proposing lesser devolved powers for Wales as compared with Scotland. Notwithstanding the late John Smith's assurance as leader of the Labour Party that a devolved Welsh Parliament would have the same powers as Scotland, the absence of a jurisdiction (a consequence of conquest rather than agreement being the basis for Wales' membership of the Union) was again relied upon in 1997 as a justification for distinguishing between the two countries in terms of the devolution settlements.

Now the coalition government in Cardiff is taking an interest in the matter. The *One Wales* agreement contains a commitment to consider the evidence for the devolution of the criminal justice system within the contexts of (a) devolution of funding, and (b) moves towards the establishment of a single administration of justice in Wales.

The argument is advanced that public disquiet about the justice system relates not so much to the laws which are passed, but to the way in which justice is administered. The establishment of a single administration would vest responsibility for this in the elected Welsh body. Judges in Wales would be appointed on the recommendation of a Welsh Judicial Appointments Commission. There would be an independent prosecution service for Wales. The crucial area of Youth Justice, in which local authorities in Wales already have important roles, would be devolved, as well as responsibility for the probation service, prisons and policing. The administration of the courts would become a Welsh responsibility as well as matters of law and procedure.

The Assembly Government and Welsh local authorities already contribute more than half of the general funding of Welsh police authorities through the aggregate external finance system and through council tax income. Additional sums are paid by the Assembly Government to the Home Office for specific policing costs. Yet the Assembly Government has no power to determine how these sums are spent, although they are understood to run into hundreds of millions of pounds. The distribution of funds among forces is based on an outdated formula rather than one based on current needs. This is despite the existence of partnerships between the Assembly Government and the four police authorities on issues such as substance abuse and crime reduction.

> "The distribution of funds among forces is based on an outdated formula. rather than one based on current needs."

The four Welsh forces have demonstrated a commitment towards collaboration at a national Welsh level which should ease a shift to a devolved system. They have also established national bodies such as the Association of Chief Police Officers and the Police Authorities of Wales and are co-operating over projects such as language training. Devolution of policing would mean that the Assembly Government would have responsibility for all the emergency services.

The probation and prison services now come under the umbrella of the National Offender Management Service (NOMS) which has a Welsh arm, NOMS Cymru with a Welsh Director.

> “Wales has been a net exporter of the most talented legal brains for centuries.”

There is a joint NOMS/Assembly Government strategy for reducing re-offending supported by the Reducing Re-offending Strategy Board for Wales. Pathway groups have been established for each part of the strategy chaired by Assembly Government officials.

There are currently five prisons in Wales, all for males and none catering for high risk category A prisoners The most northerly institution is at Usk, a mere 16 miles from the southern seaboard. A new prison is proposed at Caernarfon. Its opening may reduce some of the deficiencies in the Welsh prison estate. These deficiencies have resulted in long journey times for inmates's visitors, with consequent negative impact on rehabilitation. There are serious unacceptable language restrictions for Welsh prisoners in English prisons. Racism is reportedly a substantial problem. There are no high secure hospitals in Wales and few secure places for young offenders. One might anticipate that the devolution of justice would produce a greater commitment to address these matters.

The Assembly Government has been proactive in supporting local centres to treat substance abusers and establishing programmes for young people not in education, employment or training. Devolution of responsibility for justice matters would assist in ensuring that offenders subject to programmes in custody will be able to move automatically to community programmes on their release, thus helping their rehabilitation. The probation service has four areas which equate to the areas served by the four police forces and consequently could readily be devolved.

Few Welsh lawyers, if any, would suggest that the legal profession in Wales is ill-equipped to cope with the challenge of devolution. Wales has been a net exporter of the most talented legal brains for centuries. Nevertheless, its own courts system needs development and modernisation so that facilities are better and travelling for court users is reduced. In the legal profession specialisation must increase so that the long-felt need to journey to London to litigate certain types of cases can be successfully challenged.

The development in Wales over recent years of Chancery, Mercantile and Administrative jurisdictions is doing much to address the challenge. Meanwhile, Welsh judges took a historic step in Deganwy in October 2008 in establishing their own association. This follows the establishment in 2006 of a single unit of Her Majesty's Court Service in Wales with a Director for Wales. All this means that court services are now being administered on an all Wales basis.

In short, the building blocks for devolution of justice and policing in Wales are being put in place. Gordon Brown considered that full devolution in these areas is crucial for the troubled province whose representatives he was addressing last September. Is the time not also ripe for Wales?■

His Honour Philip Richards
is a Welsh circuit judge.

Reforming the law for ourselves

John Williams makes the case for an independent Law Commission for Wales

The Law Commission for England and Wales recently published its 10th Programme of Law Reform, including reviews of the law on adult residential and domiciliary care and the provision of support for informal carers. The outcome will be a proposal for unified legislation replacing the current labyrinth.

This review is timely, but for Wales it poses a problem. The list of Assembly Matters in Schedule 5 to the Government of Wales Act 2006 includes social welfare. Currently Wales works under Westminster legislation such as the National Health Service and Community Care Act 1990. However, it is an area where a Welsh approach distinct from England is emerging.

Another example is the Strategy for Older People, now in its second phase. Is a review by the combined Law Commission for Wales and England a sensible way to consider an area where the National Assembly has an interest? Will the result be an Anglo-centric proposal from which Wales may deviate if it thought appropriate? Such a process would delay reforms and reinforce the idea that Wales has to consciously distance itself from English based proposals, rather than identify its own law reform agenda de novo. In its Scoping Report, the Law Commission recognises neither the current position nor the potential that devolution offers. It states that it will:

"…develop appropriate mechanisms to ensure that we are aware of developing Government thinking, both in the Department of Health and the Welsh Assembly Government. However, it is considered that the differences are not currently significant enough to justify this being a joint project between the Department of Health and the Welsh Assembly Government. Instead the lead Government department will be the Department of Health. If circumstances change during the course of the project then the Welsh Assembly Government may review this decision."

Rhodri Morgan's 'clear red water' speech to the National Centre for Public Policy in 2002 identifies a desirable objective for a devolved jurisdiction, although the colour of that clear water is now less obviously red. If clear water is desirable, and the rationale of devolution is that in many cases it is, how is it to be achieved? Political parties are adept at identifying, in union or disunion, law-making initiatives. Party manifestos set out legislative programmes. The plural nature of Wales means other bodies, many in the voluntary sector, also contribute to law reform. For example, the Welsh Consumer Council report on palliative care in Wales led to the Minister establishing a planning group to identify a Welsh standard for palliative care.

Such drivers of law reform are essential components of law making in a devolved Wales, and there is potential for radical changes in the law in relation to the twenty subject matters listed in Schedule 5 of the Government of Wales Act. This potential would be enhanced if success in a referendum led to legislative powers similar to those in the Scottish Parliament.

The process of law reform must achieve a balance between discrete initiatives. Examples would be charging provisions for domiciliary based community care services, and a more thematic and holistic approach to reform, such as reviewing community care law in its entirety. The two are not mutually exclusive and we need them both, but too much reliance on incrementalism will lead to an atomistic approach to law reform. Against this background, Harold Wilson's government established a Law Commission for England and Wales, and a separate one for Scotland. A key figure in this initiative was Wilson's Lord Chancellor, Gerald Gardiner. Writing in 1963, Gardiner analysed the problem as follows:

"The governmental machinery for law reform is not geared to steady, planned and co-ordinated operation. Whenever there is need for urgency or for the services of persons specially skilled in a particular branch of law, the preparation of reforming measures is entrusted to *ad hoc* committees which operate in isolation and with their attention focussed on one particular anomaly or group of anomalies."

This could be a critique of contemporary Wales. Against this background, Parliament passed the Law Commission Act 1965. The primary duties of the Commissions are to keep:

"... under review all the law with which [it is] concerned with a view to its systematic development and reform, including in particular the codification of such law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernisation of the law..."

They do this by preparing reports outlining the case for reform (often including draft legislation), identifying programmes of work, and undertaking law reform projects at the request of government departments. The remit of the Law Commission for England and Wales includes Family Law, Housing, Public Law and Criminal Law. Many of their proposals have been implemented, often with cross party support. The strength of the two Commissions is their independence. However, their power is limited to making proposals; implementation is for government and Parliament.

In preparing their reports the Commissions consider the law in other jurisdictions. They also undertake public consultations on draft proposals. This consultative process is important and experience suggests that the Commissions

listen carefully to respondents.

Is there a case for a separate Law Commission for Wales, or are we adequately served by the present Commission for England and Wales? In areas of law outside the legislative competence of the National Assembly, a combined Commission makes sense. Examples would include criminal law and the law on cohabitation. However, if the area of proposed reform is within or potentially within the legislative competence of the Assembly then the case for a separate Commission is persuasive. A Law Commission for Wales would work closely with the other two Commissions where there are common interests or where the subject matter straddles jurisdictions. As with the existing Commissions, the primary duty of a Wales Commission would be to keep law under review and make proposals for reform, including draft legislation.

A Law Commission for Wales could contribute to the devolution process. Under the Government of Wales 2006, the law making powers of the Assembly may be enhanced either by Legislative Competences Orders (LCOs) or through framework legislation. LCOs enable enhanced legislative competences to be given to the Assembly within devolved fields. In the Summer 2008 issue of *Agenda* Lord Elystan Morgan referred to the use of LCOs as a period of purgatory between the status quo and the creation of a domestic Parliament. LCOs, he argued, will give Wales the opportunity to show that it can formulate and implement Welsh laws.

However, the scope of the LCO procedure is unclear. Morgan rightly stressed the need for a balance between LCOs making minor changes and those that make more revolutionary and potentially controversial changes. But where does the balance lie? Nick Ainger when Under Secretary of State for Wales, said that he was not looking "... at a generality, a sort of broad brush of Orders in Council, but ... at quite focussed Orders in Council giving the Assembly powers to legislate in a particular area they have requested." This is the narrowest of the three options for LCOs envisaged in *Better Governance for Wales*, the Labour White Paper that preceded the 2006 Act. Whereas it is a suitable starting point, it is hoped that LCOs giving broader powers will be sought. Whether this will find favour with Westminster remains to be seen.

A Law Commission for Wales could perform an important role in identifying broader areas of law suitable for the LCO procedure. A report proposing reforms within one of the Schedule 5 Fields could lead to an application for a more broadly based LCO. Similarly, a Law Commission for Wales report could provide the basis for primary legislation. In the event of a 'Yes' vote in a referendum on greater legislative powers, the Assembly would in the words of *Better Governance for Wales*, "... be able

to make law on all subjects within its devolved fields". Again, a Law Commission for Wales would then have a significant role to play in proposing legislation suited to the needs of Wales.

There is a need for a body in Wales with responsibility for reviewing broad areas of law reform and making recommendations to the Assembly Government. The existing Law Commissions consist of judges and academic lawyers, supported by research staff. This could, but not necessarily should be the model for Wales. It would have power to propose a programme of work for the approval of the Government, and would respond to specific requests from government departments. It would not exclude others from proposing reforms.

In a plural Wales, political parties, statutory bodies and the voluntary sector have an essential part to play in law reform. However, a Commission would provide an overview of areas of law, with the possibility of breaking down some of the artificial barriers between the different fields listed in Schedule 5 of the Government of Wales 2006. In this way it would contribute to the integrated working of government advocated in the *Making the Connections* Assembly Government initiative.

Legal Wales has the capacity and growing confidence to provide the intellectual and professional support for a properly resourced Law Commission for Wales. We have a strong and proactive legal profession, an increasingly separate legal identity, and five distinguished law schools providing a strong research base. As with Scotland in 1965, the creation of a separate Law Commission for Wales would be an appropriate recognition of the growing independence of law making in Wales. More importantly, it would identify Wales as a dynamic independent jurisdiction having a carefully devised and Welsh-owned programme of law reform appropriate to the needs of Wales and its people ■

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Elfyn Llwyd argues that bilingual juries should be appointed where defendants request it

Justice in Tongues

In 1575, one of Wales' foremost Judges at the time, Sir William Garrard, stated that judges in Wales should be able to understand a witness who gave evidence in Welsh. He said that it was essential to be able to understand the language and thus the original evidence at first hand, and not through translation. This was a firm acknowledgment of a current dilemma back in the 16th Century. Since then, of course, a lot of good work has been done regarding the Welsh language and its use on the circuit. However, despite the fact that Welsh is used daily and without-objection in the Civil and Magistrates Courts – and also Tribunals – a problem remains regarding Juries. This is why I tabled an amendment to the Language Act of 1993, which was lost by a casting vote in the Standing committee.

After what seemed a promising start by Sir William Garrard, a less promising chapter was entered during the Age of Victoria. In 1873 the Lord Chancellor, Lord Hatherley, decided that he wouldn't be willing to appoint a bi-lingual County Court judge in Wales. This was in case an English Plaintiff or Defendant wouldn't believe that a Welsh Judge could deliver justice! What can you say to that kind of logic?

> "It is an integral and important question within this debate because, clearly, a Jury must be able to fully understand evidence presented."

By today, I don't have to argue why I am in favour of the principle that all evidence should be presented in its original language. Indeed, this principle

is outlined clearly in Section 10 of the 1974 Juries Act – where there is a clear requirement that a Juror must be able to understand English, and if his or her proficiency isn't adequate, then he or she is dismissed from the Jury. Therefore, it isn't a question about linguistic proficiency but rather should this competence only be applicable to the English language, or rather as the need

The late Lord Williams of Mostyn – "he gave a mischievous 'wink' in my direction".

arises in Wales, to Welsh language proficiency as well? It is an integral and important question within this debate because, clearly, a Jury must be able to fully understand evidence presented. Therefore, where Welsh is used, Juries should be able to understand that language, as well as English.

Since 1974, the law regarding the Welsh language has changed. Historically, Welsh has been used daily in the courts, prior to and after the Acts of Union – with clauses trying to prohibit the use of Welsh in official activities. Considering that the majority of people living in Wales up until the nineteenth century spoke only Welsh, the use of Welsh was inevitable. Indeed, it was essential to ensure that justice was delivered in Wales, just as Judge William Garrard had found over two centuries earlier.

Even so, the clauses banning the use of Welsh were in place until the Welsh Courts Act of 1942, which gave the right to use the Welsh language in certain situations. This was expanded upon in the Welsh Language Act of 1967, which stated that Welsh and English were to be treated on the basis of equality. But interestingly, if there was a difference or a misunderstanding between the Welsh version and the English version, then it was the English version that was to be accepted. As was discussed at the time, if the Welsh version said that two and two equals four and the English said five, then five would be the official version.

The situation was reviewed once again in the 1993 Welsh language Act. I remember visiting the late and dear Lord Williams of Mostyn when he was Chairman of the Bar, and before he was made a member of the House of Lords. The purpose of the meeting was to seek his opinion on my amendment to the Welsh Language Act to create Welsh language juries. After a very polite and friendly hearing, Gareth said that he couldn't support the amendment because he believed that it went against the principle of random selection. Despite my best arguments, he would not move on the matter.

A few months later, his term as Chairman came to an end and he was appointed to the House of Lords. One of the first Bills he was involved with was the Language Bill. Imagine my pleasure – and surprise – when I heard him raise my amendment on behalf of the opposition party in the House of Lords. I was sitting in the Gallery at the House of Lords at the time, and as Gareth stood up to speak, he gave a mischievous 'wink' in my direction.

During his speech, he gave an example of a man being accused of stealing £200. He could go to the Magistrate Court in Aberteifi, Aberaeron or Aberystwyth and claim his right to have his hearing heard through the medium of Welsh. He could call his evidence in Welsh and get his advocate to use the language. However, if he was elected to trial or jury, he wouldn't have this fundamental right.

On the 12th June 1973, Lord Hailsham presented a summary of recommendations to the Lord Justice Edmund Davies regarding the operation of the Language Act of 1967. This report stated that ensuring that Juries were able to speak Welsh would be constitutionally wrong and that this would be impossible to implement. In support of his position he called in aid the authority Blackstone, that such a change would be:

"…a radical departure from that random formation of the jury panel that Blackstone described as a 'palladium' of our liberties" House of Lords, 12 June 1973.

But the truth is that there is no such principle of selecting juries at random, and it's certain that Blackstone realised this as well. The panel is selected, to use Blackstone's words again, on the basis that among:

"…a competent number of sensible and upright jurymen chosen by lot from among those of the middle rank will be found the best investigators of truth and the surest guardians of public justice".

According to that principle, women did not have the right to sit on a jury until 1919, and even in 1972 there was a property ownership criterion. Since 1974 people over 65 years of age and then over 70 haven't been eligible to sit on a jury. There are also other classes of people who are ineligible, including bankrupts and people judged to be insane.

In 1973 Lord Hailsham claimed ensuring that Juries were able to speak Welsh would be constituationally wrong.

Therefore, there isn't a principle of general eligibility based on selecting juries at random. This is an empty argument. Yet this is the main argument that opponents to this change have insisted on proposing. Indeed, during recent discussions with Judges and politicians, the same old mantra, to quote Lord Justice Thomas, is once again seeing daylight. I cannot accept this mantra. When a Census takes place, a question is asked about a person's

ability to speak Welsh. This information is therefore already available.

There's no basis either to the claim that this will cost more money. Indeed, if translation services aren't needed, then hundreds of pounds in savings could be made daily.

We also hear the argument that even though there might be enough Welsh speakers in Gwynedd and west Wales, what about Cardiff and Newport? The answer to this is that there are almost as many Welsh Speakers in the old County of Glamorgan as in the rest of Wales.

So, to mimic the Judges of the Appeal Courts, "what are their best points?" The truth is that there are no such good points. A consultation paper by the Office of the Criminal Justice was published in December 2005. In it, five questions are posed that should be considered in relation to Welsh language juries:

1. Is there a justification for them in principle?
2. Are they in line with the principle of 'random selection'?
3. How would the right to demand having a Welsh language Jury be implemented?
4. What implications would this have on trials in Wales?
5. What would be the best options in terms of summoning juries?

No obstacles are presented to any of the above questions. Indeed, in terms of practicality and fairness, it's fair to say that translations are never as good as the original. Further, there is a possibility of unfairness and even injustice. There are nuances in a language and everyone knows when leading evidence or cross-examining that one sentence, indeed one word, can make all the difference. It could mean winning or losing a case. Consider when a defendant gives evidence and that evidence is then translated. Of course, the standard of translation has improved but it still isn't perfect.

Many of us feel by now that it is high time to rectify this situation. The Language Act of 1993 was supposed to give equal status to both Welsh and English. The current inability to provide Welsh Juries completely undermines that principle.

One tends to think that some oppose this proposal because, perhaps, they aren't fluent or proficient enough in the language to hold trials through the medium of Welsh. With the greatest respect, I cannot accept that this is a reason to justify not implementing this change.

My friend and colleague Hywel Williams, MP for Caernarfon, has also been campaigning on this issue and prepared a Private Members Bill which makes the necessary change to the Juries Act of 1974. It has cross-bench support, and we hope it will be selected for consideration during the next parliamentary session. It is certainly long overdue and it undermines the excellent work being done on the Circuit to promote the use of the Welsh language in County and Crown Courts. By making this simple change no one is intending that every case should be conducted through the medium of the Welsh language except where a defendant so wishes it should happen.

The time has surely come to right this ancient wrong so that the two main languages of Wales are treated on the basis of equality ■

Elfyn Llwyd is Plaid Cymru MP for Meirionnydd.

The scalloper Albion , photographed in Cardigan Bay.

David Symes and **Jeremy Phillipson**
describe how the Assembly Government is centralising control over our inshore waters

Ocean Fiefdom

The Assembly Government is proposing a top-down centralised solution to the management of Wales's inshore coastal waters by putting itself directly in charge of them from April 2010. This is a striking divergence from the more decentralised approaches being established in both England and Scotland. The danger is that the new system will lose transparency and, equally important, the direct input of local fishing and conservation organisations around the Welsh coast.

Consultations on the changes in the UK Government's Marine Bill during 2008 made clear the Assembly Government's ambition to have direct dominion over a Welsh fisheries zone. Given the way in which the area of ocean it will control will be compressed by the median lines in the Irish and Celtic Seas, the Welsh fisheries zone would be a small and rather empty fiefdom were it not for the highly productive inshore waters.

While there are few signs of an immediate and substantial improvement in the fortunes of Europe's offshore fisheries, inshore fishing activity is growing in importance, especially in Britain. Reliable estimates for revenues derived from inshore waters are hard to come by, but it would be reasonable to assume that 60 per cent or more of the £10.6m of landings into Welsh ports in 2007 were taken in inshore waters. These waters also play host to valuable marine habitats, dynamic ecological communities and some charismatic mammal, bird and fish species. Large parts of the inshore waters around Wales are already designated marine Special Areas of Conservation under the EU's Natura 2000 programme.

Inshore fisheries are coming under increasing pressure not only as a result of reduced fishing opportunities offshore and restrictions on fishing activity in designated areas, but also from the growth of recreational fishing and the licensing of activities such as renewable energy and aggregate dredging. Inshore waters require sensitive management. The purpose of the Marine Bill, now being finalised across Britain, is to provide an appropriate framework, with inshore fisheries management forming a cornerstone. However, what is happening in Wales is out of kilter with the rest of Britain.

By the early years of the 20th century two very different approaches to inshore fisheries management had emerged in Britain. Under the provisions of the *Sea Fisheries Regulation Act* 1888, responsibility in England and Wales had been devolved to local Sea Fisheries Committees, one of the earliest examples of co-management between local government and the fishing industry. Seats on these committees were shared equally between local authority councillors and representatives of the fishing industry, with seats later allocated to the Environment Agency and a representative of a local conservation organisation.

In Wales the geographical arrangements were rather untidy. Two Committees shared the supervision of Welsh inshore waters: one in south Wales, established in 1890 with an office in Swansea, covering an area from the Severn Estuary to Cemaes Head in north Pembrokeshire; and the more spatially cumbersome North Western and North Wales Committee, based in Lancaster, stretching from Cemaes Head to Haverigg Point in Cumbria. The latter was formed as the result of the merging of the Lancashire and Western Sea

Fisheries Districts in 1900.

Sea Fisheries Committees have access to two basic instruments for regulating the fisheries within their districts. The more common is the byelaw used, for example, to limit the size of vessel, impose minimum landing sizes and restrict the use of certain fishing gears. Secondly, in the case of the highly prized shellfish beds, Fishery Orders may be deployed to limit the public right of fishing and develop comprehensive management schemes, as with the renowned Burry Inlet cockle fishery in Carmarthen Bay, or to allow leasing of small allotments to individual gatherers for the cultivation of shellfish, as in the Menai Strait oyster and mussel fishery. The Committees have their own enforcement capabilities both on land and at sea, and over the years have built up a considerable scientific knowledge of the local fisheries.

In marked contrast, Scottish inshore fisheries were subject to a simpler and more reactive management approach, with responsibility remaining in the hands of the central administration. Under the *Inshore Fishing (Scotland) Act* 1984, the Minister is granted powers to restrict fishing activity within a six mile zone. A triennial review canvasses proposals for amendments to the regulatory system from local fishermen's associations. In almost all instances the amendments are concerned with resolving inevitable and somewhat acrimonious local disputes between static and mobile gear fishermen, rather than with the conservation of the fisheries.

By the start of the present century both systems were palpably suffering fatigue and struggling to cope with the additional duties of environmental responsibility placed on them by the *Environment Act*, 1995 and the *Conservation (Natural Habitats etc) Regulation*, 2000. In England and Wales, it was becoming clear that the century old system was no longer fit for purpose. Sea Fisheries Committees were struggling to apply good management practice under the constraints of inadequate funding. Throughout Britain action was needed to modernise inshore fisheries management.

In the event it was Scotland that took the lead. The Executive's 2005 *Strategic Review of Inshore Fisheries Management in Scotland* proposed the establishment of voluntary, non-statutory advisory Inshore Fishing Groups tasked with developing management plans for their districts. A feature of the proposal was the separation of stakeholder representation between the executive committee (commercial fishing interests) and the advisory committee (other stakeholders). Legislative responsibility would remain with the Scottish government to whom the Inshore Fishing Groups would be accountable. Six of a possible twelve Groups are expected to be in operation by June 2009.

Outline proposals for reform of the system in England and Wales were contained in the draft *Marine and Coastal Access Bill*, 2008. Although most of the details remain to be finalised, the key action is to replace Sea Fisheries Committees with Inshore Fisheries and Conservation Authorities. Important changes to the constitution, powers and funding of the new authorities are anticipated.

The draft Bill intimated that the Inshore Fisheries and Conservation Authorities' executive committees would be limited to 21 seats, though this figure seems unreasonably restrictive for some of the more complex authorities and is likely to be moderated. A third of the seats would be held by local authority representatives, one seat each for the Marine Management Organisation, Natural England or Countryside Council for Wales, and the Environment Agency, with the remainder allocated to appointed members "acquainted with the needs and opinions of the fishing community … and with knowledge of, or expertise in, marine environmental matters". When the final configuration of Inshore Fisheries and Conservation Authorities' districts is announced later in 2009, some rationalisation of the twelve existing Sea Fisheries Committees districts is expected.

The Three Rivers Cockle Fishery at Llanstephan, Carmarthenshire.

It had been widely assumed that the reconfiguration of Sea Fisheries Committees' districts would result in the creation of an all-Wales district, more in keeping with the Welsh devolution settlement. Neither was the Assembly Government's decision in October 2008 to break ranks with England over the future governance of inshore fisheries, by taking full responsibility for their management in Welsh waters from 2010, a complete surprise. Tensions between some local authorities and the Sea Fisheries Committees, especially in south Wales and largely over funding, had been simmering for a number of years.

Overall, the systems of inshore fisheries management in Britain have

been further diversified. What had been a simple dichotomy between proactive devolved management in England and Wales and reactive centralised management in Scotland is now much altered. Scotland has moved closer to a co-management model but on an informal basis. England has remained faithful to the co-management approach though with a system better able to satisfy the demands for integrated management. Meanwhile, in Wales there has been a remarkable retreat from the co-management principle and the adoption of centralised management. The reasons for this move are not all that easy to understand.

What possessed the Assembly Government to buck the trend, abandon a century of largely successful devolved management and opt instead to take direct responsibility for what is potentially a troublesome technical operation? And why, after inconclusive discussions with the Sea Fisheries Committees, did the Assembly Government pre-empt the outcome by embarking on an inadequate and ill-timed public consultation designed to achieve only one end?

Was it for pragmatic reasons rooted in the alleged reluctance of some local authorities to engage with the proposed Inshore Fisheries and Conservation Authorities for financial reasons? Was it because the Assembly Government considered this model in some way unsuited to the Welsh case? Or were there deeper, undeclared political reasons? Certainly, the Assembly Government has a track record of bringing some of its agencies within the fold – the so-called 'bonfire of the Quangos' which saw the abolition of the WDA, ELWa and the Wales Tourist Board. However, in the case of inshore fisheries it is hard to see where the political advantage might lie.

The very nature of the public consultation lends support to the notion of a political *fait accompli*. The consultation document loaded the argument in favour of the 'in house' option. It conspicuously failed to include the most logical alternative of a single Welsh Inshore Fisheries and Conservation Authority with revised powers answerable directly to the Welsh Assembly Government. Instead, it offered a modernisation of Sea Fisheries Committees or a transfer of responsibility for inshore fisheries management to the Environment Agency as the only alternatives.

In reaching its verdict, the Assembly Government ignored the weight of evidence provided by the 68 respondents. A significant majority rejected the 'in house' solution. Only one 'constituency' – local authorities – were strongly in favour. Fishing interests were more evenly divided, with the new Welsh Federation of Fishermen's Associations failing an important early test of its ability to lead the industry by opting to sit on the fence. A majority of other fishing organisations and individuals opposed the 'in house' option. Environmental bodies – including the Countryside Council for Wales, WWF, the RSPB and the Government's own advisory body on coastal matters, the Wales Coastal and Maritime Partnership – all with experience of working alongside Sea Fisheries Committees on marine environmental issues, came out strongly against dismantling the devolved model.

The concern now is how the new system will work after April 2010. Questions remain to be answered on stakeholder involvement, adequate funding, new legislation and the provision of appropriate regulatory instruments. No detail has so far emerged on any of these issues. All we have are familiar phrases of good intent and promises that all will be taken care of in framing the Marine Bill. These do little to reassure the industry.

Whatever form inshore fisheries management might take, its success will depend on capturing and utilising 'local ecological knowledge' acquired through years of practical experience in fishing. This is why stakeholder representation and the channels that feed advice into the decision making process are such crucial issues.

It will not be easy to replicate the achievements of Sea Fisheries Committees in a system that distances stakeholders from the decision making, relegates them to an advisory role, and places less onus on them to take responsibility for good management. Also, to counter risks of expert advice being dissipated by a lack of suitably qualified and experienced personnel in the new Fisheries Unit based in Aberystwyth, the Assembly Government must hope to retain most of the highly skilled officers and support staff from the disbanded Sea Fisheries Committees.

Much will depend on how the advisory body is constituted and its remit defined. The Assembly Government could decide to reproduce the membership structure of the Sea Fisheries Committees – accommodating local authorities, fishing and marine environmental interests – but without the powers to legislate. Or it could mimic the constitutional arrangements proposed for the Scottish Inshore Fishing Groups, strengthening the hands of the commercial fishing industry in the advisory function. In which case, it will be interesting to see how the Assembly Government manages the discourse between fishing and environmental interests in framing its policy decisions.

There is no reason to suppose that the new system will be any more or less successful than its predecessor or the alternative systems being adopted elsewhere in Britain. However, the Assembly Government is taking considerable risks in attempting to build a new system of cost-effective centralised management more or less from scratch. The modern world is littered with examples of centralised management systems that fail to recognise the role of traditional local institutions or the value of devolving management responsibilities. Rediscovering the essential chemistry between local inshore fishermen and the managers that helped to deliver a widely respected and largely successful system of inshore management in Wales may prove elusive ■

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Tackling Plant Blindness

Kevin Lamb examines the National Botanic Garden's role in saving threatened Welsh plant species

Do the people of Wales really need a National Botanic Garden? It is a fair question and one that I get asked on a regular basis. You could substitute the Botanic Garden for 'National' Museum, Library, Gallery, Theatre, or any other national institution. On one level a botanic garden is simply a statement of nationhood, one of those things that all nations have. The coalition government in the Assembly recognises the importance of such things when it talks of 'national institutions' as part of the *One Wales* agenda.

On a deeper level there are very solid arguments as to why a botanic garden is a vital component of any nation. A key role of botanic gardens is to help conserve the world's amazing diversity of plant species, and plants most definitely need our help. It is estimated that up to 100,000 plants, representing more than one third of the world's plant species, are currently threatened or face extinction in the wild. Botanic gardens can help to protect plants from all around the world but a key priority must always be with the plants in our own country.

So are plants in Wales doing any better than in the rest of the world? Well, of the 1,467 species found in Wales, three per cent have already become extinct, 18 per cent are threatened with extinction, six per cent are near to being threatened and for three per cent we simply do not have enough information to judge at the moment. With 30 per cent under threat, Welsh plant species certainly need our help.

We shouldn't expect others to look after our plants. The botanic garden in Dublin focuses on Irish species, the Royal Botanic Garden in Edinburgh looks after Scottish plants. Should Wales leave it to the likes of Kew Gardens to care about Welsh plants? I would say no. We have a responsibility to care for our own. That is not to say we shouldn't collaborate, and we do, for the nations of the British Isles share many of the same species. However, some are endemic. That is to say, they exist in Wales and nowhere else.

The National Botanic Garden of Wales is working on a number of threatened Welsh species. One, wild cotoneaster (*Cotoneaster cambricus*) is very rare indeed. The only site in the world for this plant is the Great Orme at Llandudno in Gwynedd, where six original plants cling on to the wind-swept limestone crags. With so few plants left and such scant genetic diversity it is vital that representatives of all six individuals are grown in cultivation to provide a safety net against extinction. In order to do this, horticulture teams from the Garden carefully air-layered each of the plants to enable 'new' plants to be grown. We also have some research to carry out on this species. At the moment very few of the plants produce berries in the wild and no natural regeneration has been observed. We need to find out more about the ecology of this species to see why it is not reproducing successfully.

Another plant, Spreading bellflower (*Campanula patula*), a rare plant found in the wild in sunken lanes and woodland tracks of the Welsh borders, is

The rare Spreading bellflower (*Campanula patula*) found on the Welsh borders is a critically endangered species.

Left: This critically endangered tree, Ley's Whitebeam (*Sorbus leyana*) is only found on two cliff faces in the Brecon Beacons. Now there are more growing in the Botanic Garden than in the wild.

Below: Wales's rarest plant, the wild cotoneaser (*Cononeaster cambricus*), only found on the Great Orme at Llandudno where just six plants survive.

endangered in the UK and critically endangered in Wales. Very little is known about its ecology, and without this information we cannot conserve it. The Garden is starting to fill in some of the gaps in our knowledge of this species. Already this work has enabled the identification of key habitat areas that will now be protected to conserve this species.

Another endemic species is Ley's Whitebeam (*Sorbus leyana*). This critically endangered tree is found only on two cliff faces in the Brecon Beacons with just 17 trees in total. The Garden has successfully propagated this tree so that today there are more in the Garden than there are in the wild. It is hoped that by understanding the origins of the species, what it needs to grow and why it is currently so restricted in the wild, we will one day be able to reintroduce plants to the wild from the specimens grown in the National Botanic Garden.

But why bother? Why should we be worried if a few plants go extinct? After all who's ever heard of Ley's Whitebeam, let alone cares whether it survives? I believe we have a moral imperative. These species are truly Welsh. If we let them become extinct we lose something unique to the nation. Surely it is our duty to do all we can to prevent their loss? We should celebrate their existence not ignore it.

We must also recognise that our lives are inextricably linked to plants. Most of us suffer from 'plant blindness', a condition where we look at the landscape and see the buildings, livestock, and the ever-increasing presence of human intervention. The plants are just so much set dressing. We all need to understand the fundamental importance of plants in our lives. They provide the vast majority of our food and medicine. We build with them, and clothe ourselves in them. Plants maintain our climate and are the best indicators of when it is going wrong – they'll also be the best way of solving climate change.

How many of us realise that 25 per cent of all modern medicines are derived from plants, and 75 per cent if you live

Conserving plants in the wild has been enormously enhanced by the designation on 450 acres of the Botanic Garden as the Waun Las Nature Reserve, with 12,000 species.

in the developing world? Or that plants still provide one of the richest seams of medical research? The rosy periwinkle (*Catharanthus roseus*), a perennial plant from Madagascar, is now the primary source for drugs treating childhood leukemia. Yet Madagascar is losing its plants at an alarming rate. One can only guess how many vital medical breakthroughs will never happen because the plants have been lost before we've had a chance to research them. Closer to home the natural plant alkaloid galanthamine is being extracted from daffodils in the Brecon Beacons to provide treatment for sufferers of Alzheimer's disease.

The role of a modern botanic garden is therefore many fold. It is a centre for conservation research to help protect endangered and threatened species. In Wales we have the good fortune to have a National Botanic Garden that combines *ex-situ* work, that is work in the laboratory and in the cultivating of 'captive' collections, and *in-situ* work, which conserves plants in the wild. The latter has been enormously enhanced by the designation of 450 acres of the National Botanic Garden as the Waun Las National Nature Reserve. The 12,000 plants in the living collection at the Garden make it one of the biggest in the UK.

Our work isn't solely focused on conservation. It also incorporates such diverse areas of endeavour as climate change, sustainable living, food research, medical research, energy production, and general well being. By way of illustration, the Garden is currently planting out a phytogeographic collection of trees, species from different areas of the world that share a similar climate to south west Wales.

This collection will take up to 50 years to reach maturity during which time climate change will have begun to make real alterations to temperature, precipitation and seasonality. The ability to study these trees as they establish themselves could provide huge insights into the speed and depth of climatic change in Wales. It also demonstrates that botanic gardens need time to develop. This year Kew celebrates 250 years. In 2010, the National Botanic Garden of Wales celebrates a mere 10 years.

A botanic garden also needs to be a centre for education, both formal and informal. It is absolutely vital that today's young people are aware of, understand and appreciate the importance of plants to their lives and to the health of the planet as a whole. The Garden welcomes 20,000 learners every year, from primary school children to mature students. In addition we operate a policy of 'stealth learning' aimed at all our visitors. Each and every visitor to the Garden should leave with a little more knowledge and understanding than when they arrived – even if they don't necessarily realise it at the time.

Of course, a major role for a modern botanic garden is to be a first class visitor attraction. This is vital for us for one principal reason. Unlike the gardens of England, Scotland or Ireland (or indeed virtually every country) the Garden in Wales doesn't receive the majority of its funding from the state. So it has to attract visitors simply to make financial ends meet.

As importantly, and in a way that will never alter, there is little point in conserving plants, maintaining living collections or undertaking scientific research if there is no audience with which to engage. It is our visitors who provide this audience.

We are a young institution, very young in the world of botanic gardens. Yet we are rapidly establishing ourselves as a key part of conservation, education, public engagement and tourism in Wales ■

Kevin Lamb is Director of the National Botanic Garden of Wales.

Turning the Tide

Roger Falconer assesses the environmental impact of the proposed Severn Barrage

With the projected Severn Barrage now short-listed by the Department of Energy and Climate Change for further study, it is worth examining the emerging evidence about its environmental impact. At Cardiff University's Hydro-environmental Research Centre we have developed a sophisticated set of computer modelling tools to predict tidal currents and levels, sediment and mud transport, and water quality changes that would occur in the Severn Estuary if a barrage was built.

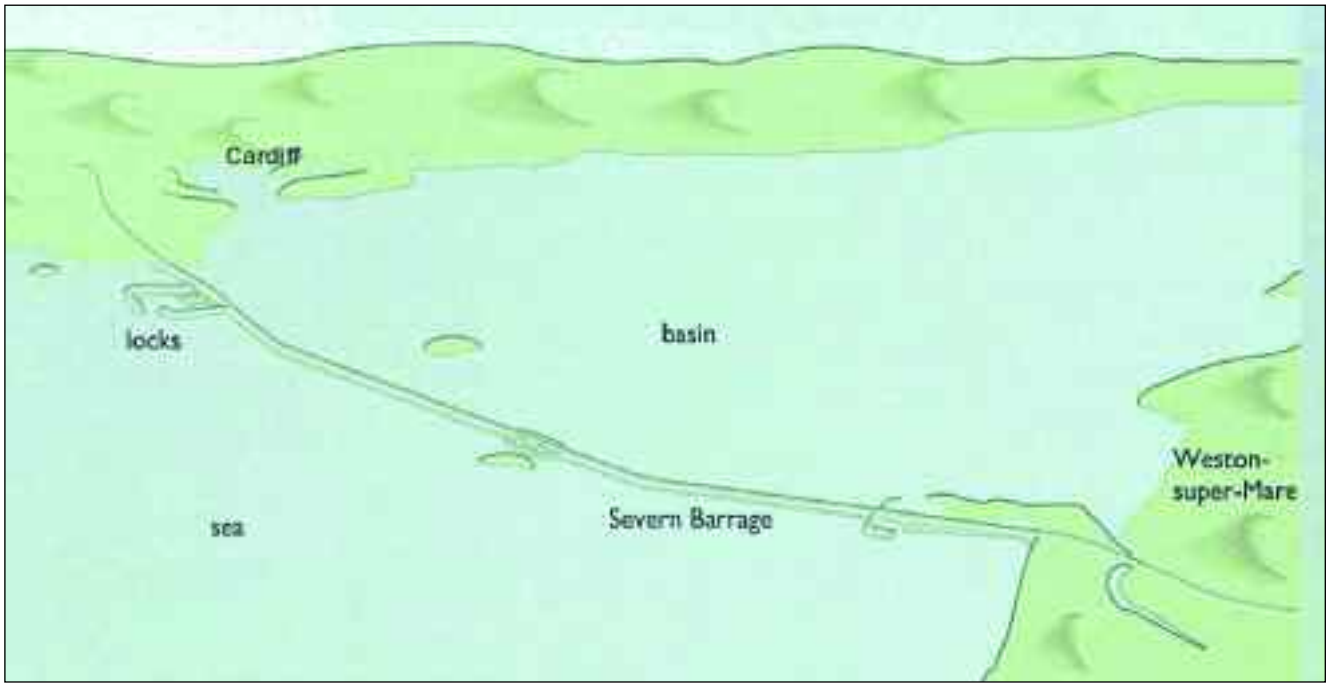
There is no doubt that there would be a number of adverse environmental and ecological impacts, for example on fish migration and bird habitats, especially upstream of the barrage. However, the model studies also show that there would be a number of positive hydro-environmental benefits. In particular, there would be a general reduction in the tidal currents, leading to a significant reduction in the suspended sediments and turbidity levels, clearer water, a corresponding increase in the light penetration levels, increased biological decay and reduced effluent levels in the water.

> "According to the Government it would cost around £21 billion, which is in line with the costs estimated by the Severn Tidal Power Group, a consortium of contractors."

The model predictions also show that there would be reduced peak water elevations, both upstream and downstream of a barrage, thereby reducing flood risk. A barrage would also offer considerable opportunities for mitigating sea level rise in the future.

The proposed barrage would stretch from Lavernock Point south of Cardiff, to Brean Down south of Weston-Super-Mare - see Figure 1. It would be 16 kilometres long, generate five per cent of the UK's current electricity needs, save more than a million tonnes of carbon emissions a year, and could provide new road or rail connections across the estuary. According to the Government it would cost around £21 billion, which is in line with the costs estimated by the Severn Tidal Power Group, a consortium of contractors.

Figure 1: Artist's impression of a Severn Barrage from Cardiff to Weston



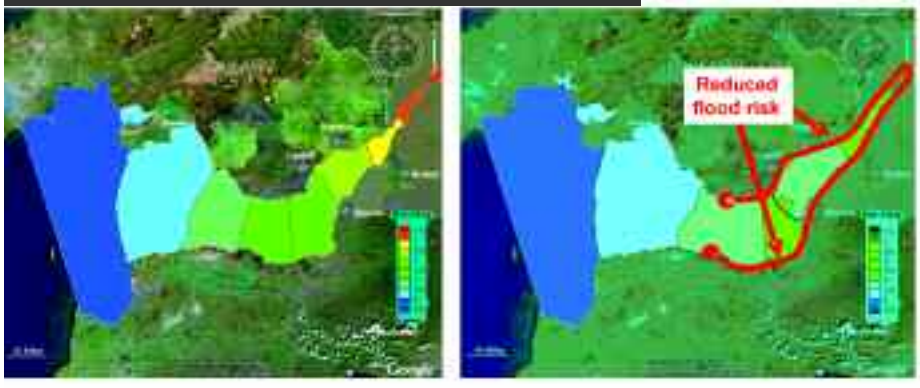
Key findings from the Hydro-environmental Research Centre's study of the environmental impact of a Barrage are as follows:

1. The peak tidal elevations are shown in Figure 2, with the predicted peak levels being reduced both upstream and downstream of a barrage. This is to be expected from the considerable increase in the resistance to the flow upstream of a barrage and due to the reduced natural frequency of the estuary seawards of a barrage. Thus the results show that a barrage would tend to reduce flood risk, both upstream and downstream.

2. The peak tidal currents are shown in Figure 3, with the peak currents exceeding two metres over much of the main channel from a transect seawards of Minehead to Aberthaw to well upstream of the old Severn Bridge. Figure 3 (b) shows that if the barrage were to be built, then the region identified within the red domain would no longer be suitable for tidal stream turbines.

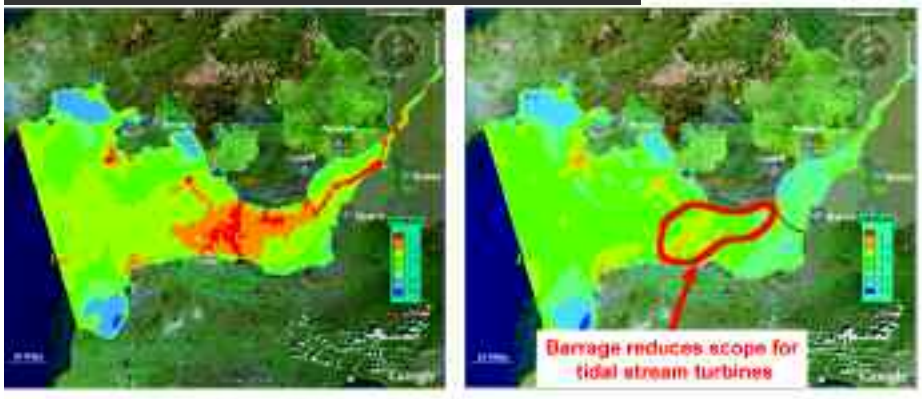
3. Figure 4 shows a plot of the Severn Estuary which identifies clearly the region of high turbidity and high suspended sediments stretching from beyond Barry to Minehead on the seaward side and well upstream of the old Severn Bridge on the landwards side of a barrage.

Figure 2: Predicted maximum tidal elevations along estuary



a) Without barrage b) With barrage

Figure 3: Predicted maximum tidal currents along estuary



a) Without barrage b) With barrage

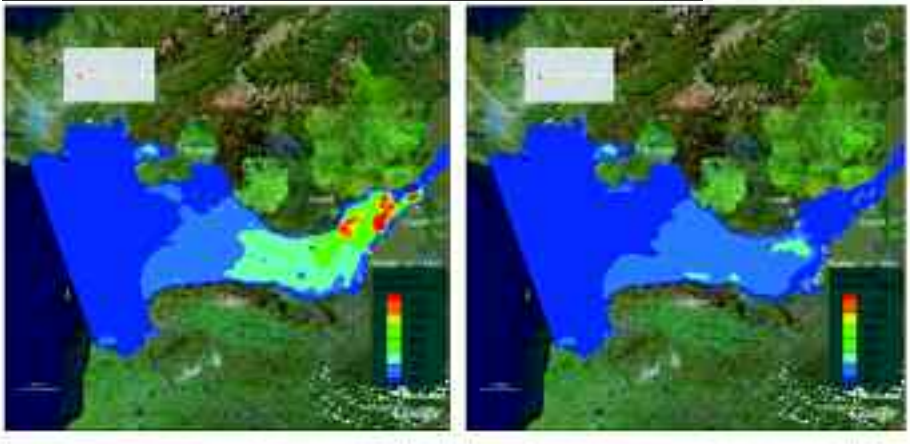
Anyone crossing the Severn Bridge or flying into Cardiff Airport will only be too well aware of the high turbidity levels (or mud) in the estuary. These high levels of mud in suspension (with concentrations in excess of 1,200 milligrams per litre) are caused by the high tidal currents in the region. If a barrage were to be built from Cardiff to Weston, then the currents would be reduced, except in the immediate locality of the sluice gates and the turbine sites, and the corresponding sediment concentrations in suspension would be reduced significantly, to a peak level of around 200 milligrams per litre, as shown in Figure 5. This significant reduction in the suspended sediment levels would mean that the water would become much clearer.

There would be a corresponding significant increase in the light penetration through the water column which, in turn, would lead to increased dissolved oxygen levels and a changed and more productive ecosystem. It is also worth noting that the upstream tidal range would still be high by UK and international standards, with a seven metre range being larger than most major UK estuaries, such as the Thames, Mersey and Humber. The significant reduction in the suspended sediment loads would also lead to increased decay rates, which means that any effluents discharging into the estuary under storm conditions, from sources such as sheep waste, would decay much more rapidly than under current conditions.

The current proposal is to operate the barrage to generate electricity only during the ebb tide. This means that the incoming tide would pass through the open sluice gates, filling the Severn estuary basin upstream, as at present. At high tide the sluice gates and turbines would be closed. About two-and-a-half hours later the turbines would be opened and electricity generated over the next

Figure 4: Evidence of high suspended sediment levels in the estuary

Figure 5: Predicted sediment levels in suspension for a spring tide



a) Without barrage

b) With barrage

five hours until the water levels equate either side of the barrage.

Alternative operating conditions may be adopted, such as two-way generation. Thus far the Severn Tidal Power Group has proposed operating the structure in ebb-tide generation mode only. As a result one of the main objections frequently raised about a barrage is that it will only produce power for eight to ten hours per day and half of that supply is likely to be at night. At present this would undoubtedly be a disadvantage. However, by the time a barrage is operational we will be mainly using electric cars and we shall have all the benefits of smart technology, with price incentives, to use this electricity at night to recharge car batteries.

This proposed operation of the barrage means that, upstream of the barrage, low water would typically be seven metres higher than at present for the very largest of spring tides. According to the Sustainable Development Commission report *Turning the Tide*, this would equate to an estimated habitat loss of 14,500 hectares. Thus, if a barrage were built then roughly half of the inter-tidal mudflats would be lost, with this being the half towards low tide.

There would still be a substantial area of inter-tidal mudflats for birds, compared to many other comparable UK estuaries. It is also worth noting that some of the bird populations have reduced markedly over the past 20 years. For example, according to RSPB figures Dunlin populations have dropped from 41,683 in 1988-93 to 23,312 in 2000-05. With such marked changes occurring in bird populations over such a short time scale, it is clear that considerable changes are occurring in the estuary without a barrage. Meeting the EU Habitats Directive by producing compensatory habitats will be a major challenge to enable the barrage to proceed. Against this, the compensatory habitats project for the Cardiff Bay barrage has been successful.

> "If we're going to do something about these threats then we're going to have to do something very bold in the UK..."

In a recent edition of the BBC Wales current affairs programme *Week In Week Out* Jonathan Porritt, Chairman of the Sustainable Development Commission, declared, "My colleagues in the environmental movement don't seem to understand the scale and threat of climate change. For me that takes priority over everything else. If we're going to do something about these threats then we are going to have to do something very bold in the UK and for me one of those things is to get the Severn Barrage built". On the basis of our research findings I am inclined to agree with this conclusion ■

Roger Falconer is Halcrow Professor of Water Management at the School of Engineering, Cardiff University, and a Fellow of the Royal Academy of Engineering. He is a Welsh Assembly Government appointee on the Environment Agency's Wales Flood Risk Management Committee and a member of the Government's Expert Panel for the Severn Tidal Power Development studies.

Kids Today

Sally Holland finds reasons to be cheerful in a new IWA report on how we are bringing up our children

Focus groups, organised by the IWA during late 2008 provide an accessible and vivid snap-shot of the opinions of some children, parents and grandparents in contrasting locations in contemporary Wales. The BBC commissioned *What are we doing to our kids?* from the IWA as background to a series of programmes it broadcast during March 2009, aimed at generating a national debate. It is not a full research study. However, the themes that emerge from the groups' discussions are strikingly resonant with larger research studies and current debates in childhood studies.

The participants in the focus groups, held in primary schools in inner city Cardiff, in the Valleys, and in a Welsh-medium school in a mixed urban and rural area in north-east Wales, raise issues that strike chords with many of the key debates in the social sciences today.

Of course, we need to be careful not to talk about 'children today' as if they are all the same and all have the same experiences. Childhoods are very diverse, not just between, say, India and Wales, but from community to community, and within communities too. In this report we can see how the local environment has the potential to strongly affect children's everyday experiences.

We can see that at least some children in the Valleys and rural areas still go up the mountain or call for friends to play. In the city, primary school children are perhaps more supervised due to traffic concerns. Some individual children in the Valleys will be escorted everywhere, whilst some in the city will be allowed to walk to school alone. The children in north Wales, who travel some distance to school, will have friends spread over a much wider geographical area than those attending school down the road. And of course it is not just parents' decisions that will affect children's experiences. Factors such as poverty, housing, disability, religion and culture all lead to varied experiences.

In the sociology of childhoods there is an emphasis on children's 'agency', that is, that children can act and make choices. They are not just passive recipients of adult behaviours. In this report we can see examples of children expressing their views quite clearly and parents commenting on how good it is that they are more confident to speak up and speak out than earlier generations were. We can also see examples of children's ability to act and think for themselves being constrained by adults' agendas, for example by having their out of school time more structured and supervised by adults.

Much has been written about our increasingly individualised society, with each of us pursuing our own life goals alongside more movement between jobs, between communities and even between partners. Some see these as contributing to a decline of the family. Others see societal changes as potentially bringing better ways of living, with more freedom to pursue different ways of 'doing' family life. Much research in the UK suggests that many (but not all) families are becoming more democratic, with parents and children discussing things more and more equality between adult partners. This more democratic way of communicating with children is reflected in the focus groups in this study, with adults commenting that children have more of a say in families and in schools. But the parents and grandparents also express some ambivalence about how

they organise their lives today, with some feeling pressurised to work long hours and as a result seeing too little of their children.

Some concerns were expressed by participants of all ages in this report. There were worries about children's safety outside the home, about parents' long working hours and about the transition to secondary school. On the other hand, there were many positives. Despite media panics about 'couch potato children', these children *do* play outside and want to do so more. We may be living in a more individualised society, but many of these children have the experience of extended family involved in their care, and parents *do* want to be spending more quality time with their children, not just pursuing material goals. Children are thought to be more confident and the older generations thought it was good that things are more informal now.

So, what changes do we need to make to society to build on these positives? One of the strongest themes coming out of the focus groups was that, although many children do still play outside, they do not have the freedom

that their parents and grandparents did. Safe routes to school so that children can walk and cycle by themselves, 'home zones' where pedestrians take priority on residential streets and a reduction in speed limits are the sort of measures that would ease some parental (and child) worries.

Social policies that make flexible working the norm for both fathers and mothers, and a change to how we talk and think about children's care so that it is seen as equally a concern for fathers as for mothers might help reduce some of the anxieties and burden that women feel. The debate should not be about whether women should work or not, but how whole families can be enabled to spend enough time together whilst still having an adequate income for their needs. The stark differences in maternity and paternity leave are a clear reminder that as a society we do not expect fathers to be too involved in children's care.

> "Childhoods are very diverse, not just between, say India and Wales, but from community to community, and within communities too."

Lastly, in Wales we have made great strides in encouraging children's participation in society, from school councils to Funky Dragon. The adults in this focus group did not think that the children in their lives are disrespectful in speaking out more and being informal with adults. If we can continue to give children good experiences in playing a part in how decisions are made, then we are role modelling respect, care and how to listen to others. We may learn something from them too ■

Sally Holland is a Senior Lecturer in the School of Social Sciences at Cardiff University.

Trailblazers

Nigel Thomas reports on an evaluation of the role of the Children's Commissioner for Wales

When the decision was first taken to create a Children's Commissioner for Wales, the immediate impetus was the Waterhouse report into abuse in children's homes. So the provisions in the Care Standards Act 2000 to establish the post were primarily focused on the needs of children in various forms of out-of-home care.

However, the background impetus was the long running campaign for a Commissioner who would promote the rights of all children. Soon afterwards, therefore, the Children's Commissioner for Wales Act 2001 extended the powers and duties to encompass all children and young people and all devolved matters (with more limited powers in relation to non-devolved matters).

The late Peter Clarke, the first Children's Commissioner, established the post in early 2000. Given the challenges he faced, establishing the office to become a permanent part of the Welsh scene was an impressive achievement.

Peter Clarke, the first Commissioner, spent his first six months in office with only the Care Standards Act powers and duties, before the Children's Commissioner for Wales Act came into force in August 2001. These dual origins are perhaps reflected in the expectations which people have of the Commissioner. Some look for a wide-ranging public advocacy for children and young people, while others have expected the first priority to be safeguarding the rights of children and young people in care, or leaving care.

A wide range of powerful, sometimes conflicting, expectations have provided a constant backdrop to the Children's Commissioner's first eight years. Particularly forceful have been the expectations of policy makers and professionals working with children and young people, and to a lesser extent those of parents and other adults. When we planned the evaluation of the office with Peter Clarke, we were determined that it should also reflect the expectations and perceptions of children and young people. Peter himself was particularly keen that young people should participate in the research as fully as possible.

The evaluation, which ran from 2005 to 2008, was directed by a group of

children and young people working with professional researchers. The young people were aged from 12 to 20 when the project began, and came from organisations across south Wales. There was some early input from young people in north Wales, which unfortunately we lacked the resources to sustain. Most of the young people remained with the project throughout, and took an active part in planning the research, designing the methods and instruments, producing and analysing data, and preparing and presenting the final report. The eventual product reflects this process, and the final report contains the individual voices of the young people who took part, as well as their collective contributions to the research.

The questions we asked were drawn from the Commissioner's duties as set out in legislation, coloured by the young people's perceptions of what was most important. We asked ourselves 'what would we expect to find if the Commissioner was carrying out these duties successfully, and where would we look for the information?' We distilled the results of this into five key questions:

- How well does the Commissioner's office engage with children and young people?
- How much do children and young people know about the Commissioner?
- What impact is the Commissioner having on policy and services for children and young people in Wales?
- How effective is the advice and support service?
- Has the Commissioner lived up to expectations?

The methods we used had to be straightforward enough to be understood and 'owned' by every member of the group, and practical enough to be completed with the limited resources available to us. We decided early on to observe the Commissioner's team at work, and to undertake a large-scale survey of children and young people to find out how much they knew about the Commissioner and more generally about their rights.

> "Asked whether the Commissioner had lived up to those expectations, five responded positively, three negatively and four were mixed."

We interviewed 67 'stakeholders' – people whose professional activity may be affected by the Commissioner's work – and 13 'key players' who were involved in the decision to appoint the Commissioner or who had particular expertise in relation to his work. We read and analysed policy and consultation documents, and talked to the Commissioner's staff. We originally planned to examine the work of the advice and support service, but it was not possible to establish an agreed protocol for this work.

The survey was conducted with a structured sample of 7-16 year olds in 62 school classes in eight local authority areas across Wales in the autumn of 2006, and repeated with the same classes in the following year. In total 1,373 questionnaires were returned in the first year, and 1,155 in the second year. The results showed that children and young people's awareness of the Children's Commissioner was pretty low. Only 4 per cent recognised the Commissioner's logo - compared with 7 per for Save the Children, 42 per cent for Childline, and 97 per cent for McDonalds. Only 13 per cent said that they had heard of the Commissioner, falling to 8 per cent in the second year.

On the other hand, 60 per cent were aware that children had rights, and gave examples which showed an understanding of what this means - the main categories were health and wellbeing, education, speaking and being heard, freedom and respect, not being hurt, play, fun and friends.

Moreover, 30 per cent said they had heard of the United Nations Convention on the Rights of the Child. This contrasts with Funky Dragon's research for the United Nations Committee on the Rights of the Child, in which only 8 per cent answered yes to 'Has the UNRC ever been explained in your school?' We found that 12 per cent had heard of it in school, others from television, the press, internet, friends, family, youth groups and libraries.

The 'stakeholders' we interviewed saw the Commissioner as an advocate, a champion or a voice for children and young people. They generally thought there had been some improvements for children and young people in Wales as a result of the Commissioner's work. Most thought the team were determined in following up on issues, but that other organisations were not good at acting on the Commissioner's recommendations. Many respondents were themselves unclear about the Commissioner's role, or felt they did not know enough about the work. Some thought that the Commissioner had not paid enough attention to the needs of looked after children, and many thought the office were taking on too many cases for advice and support – in effect duplicating other advocacy services.

In the absence of an agreement for studying the work of the advice and support service, we were reliant on figures published in the Commissioner's annual reports and comments made in interviews. The figures show a steady increase in referrals, from around 100 a year in the early years of the Office to around 500

a year more recently. The majority of referrals come from parents, and very few from children and young people.

Our analysis of the policy work showed a number of examples of issues where the Commissioner's intervention had made a discernable impact, but other instances where the results of his work can only be described as disappointing.

The interviews with 'key players' began by asking them about their original expectations. Nine said that they expected the Children's Commissioner to be a champion for all children, while three had wanted someone who would give priority to looked after children. Six also said that they looked for someone who would emphasise children's voices. Asked whether the Commissioner had lived up to those expectations, five responded positively, three negatively and four were mixed. Only two thought the balance was right between individual case work and general advocacy, with the remainder unsure or critical. Four felt strongly that the office should be much more selective and strategic in its exercise of this function.

Keith Towler, the new Commissioner, took office as the evaluation reached its final stages, and reacted very positively to it. He asked for recommendations from the research and accepted most of them in principle. They included:

- An action plan to tackle low levels of awareness of the Commissioner among children and young people (to involve Government and the media).
- A thorough review of the functions of the Commissioner and the organisation of the office.
- Continuation of the schools-based survey and further research to evaluate the impact of the Commissioner on policy.
- An evaluation of the advice and support service and a review of its function and purpose.

An organisational review and restructuring is now in progress.

As the first nation in the Isles to establish a Children's Commissioner, Wales is in a unique position. The Wales Commissioner has been the trail-blazer in a number of ways. Although all the nations of the British Isles now have similar posts, all are different in the model adopted (with the English version being markedly weaker than the others). No one should underestimate the challenges in setting up such an office from scratch. Peter Clarke's early years in office were dominated by this process and then by the Clywch Inquiry (published in July 2004 into accusations of abuse by a drama teacher at Ysgol Gyfun Rhydfelen over a period of years), and the later years by his illness and death. In these circumstances it is impressive that the Commissioner's Office has established itself as part of the landscape, has had a definite impact in several areas of public policy, and has contributed to a higher public profile for children's rights.

The introduction of the Children's Commissioner was a substantial change to the arrangements for promoting rights and providing services for children and young people in Wales. Its success or failure depends on how effectively the office engages with the rest of the system, and on how well the other parts of the system adapt to the innovation.

The fact that many professionals have a limited understanding of the Commissioner's work, that those who do have a good understanding are concerned about the work being dominated by individual casework which other agencies should be providing, and that most children and young people are blissfully unaware that they have a Commissioner at all, suggest that there is still a great deal of work to be done – not only by the Commissioner's team, but by Government and civil society too ■

Keith Towler took over as Children's Commissioner during 2008. He has put in place an action plan to raise awareness of his office.

Nigel Thomas is Professor of Childhood and Youth Research at the University of Central Lancashire, and a Fellow of the IWA. He led the evaluation with the assistance of Mandy Cook at Swansea University, Anne Crowley of Save the Children, and Darren Bird of Funky Dragon. The report is available at www.childcom.org.uk

National Balancing Act

Simon Roberts is worried that an amalgamation of Trinity Mirror's operation will further isolate north Wales

News that Trinity Mirror's Media Wales wing is planning a major 'reorganisation' by amalgamating its Welsh and north-west England operations has inevitably heightened the sense of crisis in the Welsh media landscape. In the words of Blaenau Gwent MP Dai Davies, "Wales is becoming a media wasteland in which only the publicly subsidised BBC and S4C seem secure. This is very, very worrying for democracy."

Indeed it is. And for those of us in the north, the fact that there is an uncomfortable precedent makes the news doubly distressing. The notion of shifting the commercial headquarters of Media Wales from Cardiff to Liverpool is an anachronistic echo of the pre-devolution era and the still more entrenched media deficit we associate with that time. Lest we forget, for over 140 years the Daily Post was produced and largely written in Liverpool. Much of the content was shared between English and Welsh editions and, despite its status as north Wales's biggest selling daily newspaper, specifically Welsh editorial input was limited.

However, in 2003 the newspaper relaunched after a major rebranding exercise mimicking, to an extent, similar moves in the Scottish newspaper industry in that an explicit link with devolution was made at the outset. The relaunch was heralded as a deliberate attempt to separate the paper from the English editions and thereby reflect the new political paradigm. Content was (and still is, for the moment) generated in a new head office in Llandudno and the newspaper has an entirely separate editorial team with an emphasis on Welsh news, as well its own managing director. Readership levels increased after the relaunch, and a recent media pack felt able to make the somewhat hyperbolic claim that the newspaper has "become part of the fabric of Welsh culture".

According to editor Rob Irvine: "The manner of the relaunch was also driven by the opportunity presented by the growing sense of a separate identity in Wales – fostered by the EU and the development of the Assembly and the Welsh Assembly Government". Editorially, there have been considerable changes aimed at reflecting the post-devolution motivations of the re-launch.

In its former incarnation, the Post was regularly attacked for what some perceived to be its 'anti-Welsh' content. Certainly, it was clearly identified as merely a Welsh edition of a Liverpool paper. However, over the past five years, the paper has been ferocious in defence of what it sees as its newly independent, pro-Welsh editorial direction.

Given all this, how are we to take the recent changes at Media Wales? In short, how bad might things now get? There has been long-standing criticism of the fact that Trinity Mirror, an English-based company, owns the Western Mail, Daily Post and Wales on Sunday. Might they now simply pool resources? Concentration of ownership has long been cited as a factor in Wales' 'information deficit', contributing to that narrow range of expression with which we are all familiar and which now seems set to shrink even further.

From a north Wales perspective, it is also worth noting that despite Irvine's vigorous defence, and a certain reliance on Welsh 'symbolism' to cement the paper's new identity, the Daily Post's role in informing the public about Assembly Government decisions is already rather limited. Well before the 'amalgamation' was first touted, Cardiff University academics found that the Daily Post's coverage of Welsh politics fell short of the oft-maligned Western Mail. Indeed, the Western Mail carried almost twice as many items (94) about the 2004 Welsh local elections as the Daily Post, which carried 54 items about the elections over the monitoring period. The South Wales Evening Post in Swansea carried 153. In the light of such statistics, it could be argued that the relaunch was always relatively insubstantial, particularly with regard to Assembly politics.

To be fair to the Daily Post, editorial decision-making on the newspaper must be particularly problematic as a consequence of its unusually diverse audience. While it is true that most local papers avoid partisan politics for commercial reasons, the Daily Post's response to devolution – as a political philosophy - is complicated by its circulation area, which is culturally and linguistically diverse. For example, at 24.9 per cent, Alyn and Deeside's turnout in the 2003 Assembly election was the lowest in Wales, while Ynys Mon's 50.4 per cent was the highest.

> "In its former incarnation, the Post was regularly attacked for what some perceived as its 'anti-Welsh' content."

As a paper representing all of north Wales and parts of mid Wales, there is

News conference underway at the Daily Post, with Editor Rob Irvine pictured right.

arguably an editorial duty to reflect the views of the audience and the time-honoured Welsh 'problem' of fractured, multiple identities obscuring debate. In particular, in parts of north-east Wales the disinterest in post-devolution Welsh politics remains acute. However, the Daily Post still outsells all the London daily newspapers in north Wales, representing around a quarter of all newspaper sales and remains therefore potentially highly influential. In a political context, then, the news from Media Wales merely accentuates an already missed opportunity. Bearing in mind the oft-cited statistic that only 15 per cent of Welsh newspaper readers buy Welsh media products, what price now an informed electorate?

It is interesting to note that since the Daily Post's relaunch in 2003, figures suggest that support for the National Assembly has risen most rapidly among those groups who were most opposed to devolution in 1997. Even so, the eastern fringes of Flintshire remain stubbornly marginalised by the process, and damagingly estranged from Welsh politics. Consider, for instance, the statistics released last year which confirmed that Alyn and Deeside was the Welsh constituency where only 20.5 per cent of school pupils consider their national identity to be Welsh – the lowest percentage in Wales - while 27.3 per cent consider themselves English. In this area at least, an optimistic prognosis in terms of potential civic engagement with Welsh politics is difficult to make.

Post-devolution this continuing ambiguity of parts of north-east Wales has received little attention. Yet it raises acute raises questions about the media's role and especially that of the Daily Post. Is the newspaper there to inform the 'public sphere' in terms of Welsh civic engagement, or more weakly, simply to reflect the multiple identities that exist across north Wales? To a limited, but pragmatic, extent it does both with reasonable success. This is why the possibility of the Welsh daily newspaper industry's 'amalgamation' is such a retrograde and potentially damaging step.

For we should not be over-critical of the Daily Post's engagement with Assembly politics. Notwithstanding the 2003 research, there is no doubt that the paper has changed editorially since the relaunch. It has always had a strong emphasis on north Wales news stories, but two things have changed. The first is that editorial preoccupations (reflected in the leaders and columns) have become more supportive of the Assembly – that is to say its existence, if not necessarily its decisions. Columnists in the pre-devolution Daily Post were frequently criticised for their conservative, anti-devolution stance. And while it is true that Welsh newspapers changed their approach to devolution en masse during the 1990s, the diversity of columnists opinion in the Daily Post has improved considerably since the re-launch.

The second change is that the news content has shifted away from conceiving the newspapers' 'region' as encompassing north Wales together with Merseyside, to more of a pan-Welsh national outlook. At least the affairs of north Wales are treated on the assumption that they are affected by Welsh politics. The regional versus national balancing act currently being struck by the Daily Post is an interesting reflection both of the post-devolution paradigm in the Welsh regional press, and the particular socio-cultural issues inevitably generated by the diversity of the north Wales audience.

There has been a real editorial effort to relate Assembly politics to the region. At the same time there is also a distinct effort to cope with the reality of multiple audience identities within the region. At least in a small way, devolution's democratic deficit suffered by some in the north has been countered by the Daily Post's relaunch. The recent news from Trinity Mirror holds out the worrying prospect that this good work will be lost ■

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Andrew Green charts a course through an ocean of digital knowledge

Surviving the Present

"I don't want to achieve immortality through my work", said Woody Allen, "I want to achieve it through not dying". Still, many of us persist in wanting our lives to be remembered long after we take our leave of them. For this to happen two conditions need to be met. Our achievements need to be valued by enough of our successors for posterity to distinguish them from those of millions of others. However, there is a prior condition: that any recorded memory of us must survive in the first place.

In the past the chances of the records of a person surviving in purely material form were reasonable, depending on the format of the record. We know about Voteporix, the 6th Century ruler of Dyfed, because of the record he left on stone. We can read the poems of Taliesin since their texts were committed to animal skins. We can find out about countless individual Welsh men and women since the middle ages thanks to the traces of ink and print on parchment or paper, and, since the early 20th century, of their voices and movements on more fragile but still preservable shellac, vinyl and tape.

It is the work of museums, archives and libraries to collect and preserve these kinds of record, and by and large they have known how to do it. But this was in the analogue world. That world is in rapid retreat and is being replaced by the world of digital knowledge. Yet the permanence of that knowledge in the future is much less secure.

Top: Gloves are de rigueur when dealing with old manuscripts at the National Library.
Above: Gloves are also needed when manuscripts join the digital age.

Why should this be so? First, there is a great deal of it. There is more digital information publicly available today than all the publications of the pre-digital era taken together. Knowing where to start collecting and preserving this ocean of knowledge is not so obvious.

Second, much of it is ephemeral. Digital information, as easily erased as created, tends to vanish without warning, permanently. Sixty per cent of the electronic links to documents included in answers to Parliamentary Questions between 1997 and 2006 are broken.

Important web coverage of world events has been lost forever because no one thought to capture it for the future.

The same is true of unpublished information. Early drafts of a poet's work, if on paper, are often retained and preserved, but considerable care is needed to keep and store drafts in digital form, rather than simply 'writing over' early versions.

And third, the manifestations of digital information are prone to rapid obsolescence. In the case of hardware the classic example is the BBC's 1986 Doomesday videodiscs: by 2002 the data on them was readable only through an emulator specially built to recreate the original application. But software too is impermanent. How readable will be the contents of the BBC Cymru/Wales online news website in twenty year's time, when web software will have evolved? Even if it is readable, will readers be able to follow up, as they can today, the audio and video files, the website hosts, or the hypertext links to external websites? It seems unlikely that much of this supplementary or contextual information will be readily accessible.

As this store grows it will become a safe repository for all kinds of digital knowledge...

What are the solutions? It is only quite recently that memory institutions have begun to tackle the complexities of capturing this new fleeting universe of digital knowledge.

Part of the answer lies in an extension of the 'legal deposit' system. Since 1911 publishers have been depositing under statute copies of their printed publications in the National Library of Wales. The aim of this system is to capture and preserve the total intellectual output of the nation, as represented by its publications. By the turn of the millennium it was clear that, on their own, print publications were no longer an adequate reflection of this output. Legal deposit had to be extended to digital publications, in the shape of a private member's bill passed successfully into law as the Legal Deposit Libraries Act 2003.

Since then the legal deposit libraries have been working with publishers and the Westminster government to implement the Act. It looks likely that the first Regulation to be passed will allow the legal deposit libraries to collect, by regular automatic harvesting, those publications that are freely available on the Web. What this will mean for Wales is that the National Library will be able for the first time to collect and store systematically most of the 'Welsh Web': everything from the Assembly's website and commercial sites to individuals' blogs and Flicker photographs.

This first Regulation may be followed by more, so that the libraries can collect online publications that are protected by authentication or subscription barriers, and publications that take the form of dynamic databases. To deal with the complexities of ingesting, storing and giving access to the resulting electronic collection the Library is building a technical infrastructure, in collaboration with the British Library and the National Library of Scotland.

The National Library has also built its own digital store to keep non-legal deposit material, mainly about Wales. Some of this is bought or deposited, but much of it originates from the Library's extensive digitisation programme: more than a million 'digital objects', most of them viewable on the Library's website (**www.llgc.org.uk**), have been created as copies of analogue originals. Most were created to give wider or enhanced access to the public. Others were substitutes for obsolete or endangered originals. As this store grows it will become an essential safe repository for all kinds of digital knowledge, and the first stage in ensuring that such knowledge will be available in usable form to future readers.

The Library's National Screen and Sound Archive of Wales is also using a digital store to keep both radio and television programmes from Wales it records off-air and also digital copies of programmes it previously recorded on analogue tape.

The National Library collects both published and unpublished digital information it judges to be of lasting national importance. Other Welsh organisations may also wish to preserve their own digital information and the question arises, should they entrust this to a 'Trusted Digital Repository', a persistent institution like the Library that has the skills and capacity to ensure its storage and future accessibility?

The National Library has recently formed a new unit dedicated to the care of its digital assets. This is starting to put into operation the Library's digital preservation policy and to embed digital survival into the Library's plans and procedures.

Among other initiatives is a Library project to work with a selection of Welsh literary authors to alert them to the need to retain, organise and store their key 'personal digital papers', and to consider how to transfer them to the Library for permanent preservation. The literary archives of the future are likely to be hybrid, containing digital documents, images, videos, e-mail messages and web pages as well as papers and books.

These are the kinds of task, therefore, that are essential if our successors are to enjoy the same access to knowledge as our forerunners did, that is to say if today's Wales is to be recognisable tomorrow ■

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Natural Selection

Anthony Campbell explains that Darwin's ideas are as relevant today as when they were published a century and a half ago

Chalk and water colour drawing of Charles Darwin in 1840, by George Richmond.

Darwin's concept of natural selection remains *the* unifying concept in biology, and is as relevant today as it was when he first made it public in 1858. Life on our planet has evolved over 4,000 million years from single cells to the diversity of today's microbes, plants, and multi-cellular animals.

As the force that drives evolution, natural selection is a scientific truth. It works. It is used daily in genetic engineering, in artificial selection in agriculture and horticulture, and can be seen in real time in many animals and plants, including those noted by Darwin on the Galapagos. It even occurs in the human body, from womb to grave. Natural selection has huge relevance in modern medicine and environmental science, as we have the opportunity to change the human genome, and try to combat the evolution of infectious disease, drug and pest resistance.

Darwin argued in the *Descent of Man*, first published in 1871, that there in fact two types of selection:

1. Natural Selection selects the 'fittest'

2. Sexual Selection selects the 'sexiest'.

We are unusual animals. We have to protect our offspring for some 15 years before they can pass on their DNA. Sex is required for mating, and for the preambles. But it is also the force that bonds parents for a long time. Without sex a marriage survives with great difficulty. For Darwin's ideas to be true:

- Life must have evolved over hundreds of millions of years from original single cells.
- Species must change over time, and evolve into new species.
- There must be variation within a population for a selection to take place.
- There has to be both a molecular mechanism that causes such variations, as well as one that enables the selected traits to be inherited from generation to generation.
- Changes that are selected are very small from one generation to the next. Only over many generations will a significant difference be obvious, or lead to a new species.
- There have to be ways in which separation into groups occurs within a species if new species are to evolve.

The fossil record is clear. Some 550 million years ago multi-cellular animals and plants appeared in abundance. More than 99 per cent have since become extinct. Clear sequences of animal and plant species are abundant in rocks from all periods. *Archaeopteryx* is even a

Map showing the route of Darwin's visit to Wales in 1831, travelling with the Rev. Adam Sedgwick to Llangollen, Ruthin, Conwy and Bethesda. Darwin then continued on his own to Cwm Idwal, Capel Curig and finally to Barmouth. Map courtesy of National Museum Wales which currently has an exhibition in its Cathays Park headquarters exploring Darwin's Welsh links.

Darwin in Wales

As for the view behind the house, I have seen nothing like it. It is the same with North Wales. Snowden (sic) to my mind, looks much higher and much more beautiful than any peak in the Cordilleras.

Charles Darwin,
writing to his sister Susan from Valparaiso, Chile, 1835.

Like many famous naturalists before him, Darwin was inspired by the environment of Wales. He went, pony trekking with his brother Erasmus, and holidayed with his family in Abergele and Tywyn. He made several trips to north Wales between 1824 and 1830, walking and collecting insects. It was his grandfather, Erasmus, who first described the *process* of evolution in modern terms. But it was Charles and Alfred Russel Wallace who gave us the *mechanism* – natural selection. Darwin learnt his geology from Adam Sedgwick, the Professor of Geology at Cambridge, who took him on a tour of north Wales in August 1831, to Capel Curig, Conwy, Bangor and Anglesey. He found igneous rocks and fossil corals at Cwm Idwal, famous for its climbing 'slabs' and its botany. He would return in 1842 to see the glaciation marks he had missed previously. Darwin left Sedgwick to go walking near Barmouth, before returning to Shrewsbury where he found a letter recommending him to go on the Beagle.

missing link - half reptile, half bird.

Fertile hybrids occur in birds and plants, exhibited by the Darwin's Galapagos finches and his orchids. The DNA revolution has given us the molecular proof that natural selection works, and puts *homo sapiens* in its place. We are just animals, susceptible to the same laws as a gorilla or a glow-worm. Our DNA is only six per cent different from that of a chimpanzee. Darwin realised that for one species to evolve into another there had to be some way of separating off one group. This occurs by:

- Organism movement, for example bird flight or floating seeds, or by land movement.
- Different food
- Changes in behaviour, including sexual.

Cwm Idwal in Snowdonia, where Darwin found igneous rocks and fossil corals during his 1831 visit. He returned here in 1842 when he realised the significance of glaciation. Photo: National Museum Wales

Darwin was not the first to suggest the evolution of animal and plant species. He wasn't even the first to publish the idea of natural selection. What was unique about Darwin's ideas in *The Origin of the Species*, published in 1859, was the clarity of the argument and the power of the evidence. Before Darwin most naturalists had been satisfied with descriptive accounts of Nature. Charles even criticised his grandfather for his speculations without proper scientific evidence or experiment. Darwin insisted on rigorous scientific arguments and evidence.

The English philosopher, Herbert Spencer, who coined the phrase 'Survival of the fittest' after reading Darwin's work, caused much confusion. The term ' 'best adapted' would be a more accurate interpretation. A giraffe has a long neck because slightly taller giraffes reached a different food supply. These were better adapted, and thus more likely to pass on the genes responsible. Tiny changes in the beaks of Galapagos finches, or crossbills in Canada, give them a selective advantage.

Natural selection even occurs in the human body, in the development of our embryonic brain, and in gut bacteria. Small changes in temperature of the human body lead to illness or even death. A small percentage increase in average temperature of our planet is leading to major adaptive changes in animals, plants and microbes, as well as great physical changes such as melting of the polar ice caps and the weather.

But could small changes really lead to a structure as complex as the human eye? In fact microbes exist that move in response to light and dark because they have a primitive 'eye'. And jellyfish have 'ocelli' as 'eyes' that can enable these floating stomachs to avoid solid objects and nets.

We all carry 'bad' genes, putting us at risk of diseases such as cystic fibrosis, high cholesterol, cancer or diabetes. Darwin teaches us that they must have a selective advantage. Mutation in the haemoglobin gene causes sickle cell anaemia, and gives a resistance to the world's biggest killer, malaria. Human evolution is still happening. There is no malaria in the US. So there is no selective advantage in carrying the sickle cell gene. As a result its prevalence is gradually diminishing. What will be the consequence if we remove such genes from the human gene pool?

Antibiotic resistance is a natural phenomenon, enabling bacteria to knock out their competitors. A month on antibiotics selects 90 per cent of the bacteria in our gut to be resistant. Natural selection in the environment explains the resistance of flies and mosquitoes to pesticides such as DDT, and the development of warfarin resistance in many rodent populations. The spread of infections such as AIDS and avian flu all fit Darwin's ideas of natural and sexual selection.

Darwin's output was awesome – 20 books, hundreds of papers and pamphlets, and copious notes – models of how to write science that convinces the professional, yet is also readable by the general public. The first edition of *The Origin* sold out overnight, and has been translated into all the major languages. Darwin's discoveries, his experiments and, most importantly, his two big ideas – natural and sexual selection – must be placed at the heart of 21st century biology and medicine if we are to halt the panic about global warming, and misplaced fears about genetic manipulation ■

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Enlightenment Wales

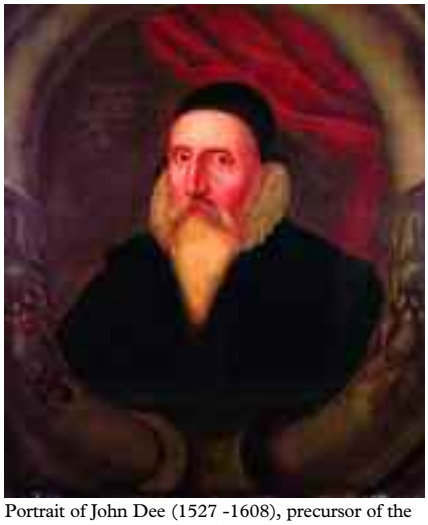
John H. Davies describes how Welsh thinkers were at the centre of the 18th Century's cauldron of revolutionary thought

The reign of the Tudor monarchs showed the people of Wales that they were capable and skilled in running not just their own country, but the larger and many times more prosperous English Empire. Major and minor gentry, hill-farmers and ordinary people from the hills and valleys of Wales had flocked to the Welsh cause which put Henry Tudor on the English throne. Even in the 16th century England was an Empire which extended from northern Yorkshire to the south of France. By the reign of Elizabeth Tudor, that empire was expanding around the world and our ancestors who had travelled to London with the Tudors were at the heart of its politics, business and emerging science.

In the field of mathematics and Euclidian geometry the revolution was led by people such as Rhobert Recorde (c.1513-1558) of Tenby, who became physician to Edward VI. He was the first person to develop the idea of the equation and particularly the '=' sign for equality. His students and their contemporaries included Humphrey Lhwyd (1527-1568) the physician, antiquary and cartographer, of Denbigh, and John Dee (1527-1608) of Mortlake who first coined the term 'The British Empire'. Humphrey Llwyd produced the first map of Wales, printed in three languages; British (Welsh), English and Latin by the famous cartographical printers in Antwerp.

It was no wonder that young Welsh men flocked to even the Stuart king's support during the religious wars which tore Europe apart in the 16th and 17th centuries. However, their disillusionment with Roman Catholic monarchy and, in particular, the way it had treated its faithful Welsh supporters at Edgehill and Marston Moor, turned many thinking people to the theological revolution of the parliamentary side. Then it was disillusionment with the republican 'Commonwealth' which turned them back to the crown. After the restoration, the 'Glorious Revolution' of 1688, removed the divine power of the English crown for ever and empowered the minor gentry for the first time in the history of these islands.

By the 18th Century the religious and political revolution was fought out between the surviving Roman Catholic gentry and the Protestant supporters of the Elector of Hanover. The military failure of the Jacobite movement in this island at least, forced the conflict from the battlefield into the debating chambers.



Portrait of John Dee (1527 -1608), precursor of the Welsh Enlightenment who first coined the term 'British Empire'.

The exploitation of the New World had provided two very important social drugs which added to the civilisation of society. One was tobacco and the other, and by far the most important, was coffee. It was the coffee-houses of London which provided venues for social intercourse - places for the upwardly mobile young Welsh population to network with their peers from other countries. Meetings of young men in these places at the time of the Jacobite wars led to the establishment of 'loyalist' protestant clubs. For Wales, the two most important clubs were the Protestant Cymrodorion Society and the Royal Society for the Advancement of Science. Frequently the same Welsh men were members of both.

The coffee houses were frequented by other revolutionaries, in all fields of intellectual and business endeavour and from many countries: Dr Johnson, Richard Sheridan, William Makepeace Thackeray, John Wilkes, Benjamin Franklin, Thomas Payne, George Washington, Voltaire, William Jones II, Dr Richard Price, Thomas Pennant, the Morrisses of Anglesey. Social discourse moved freely from discussion of Sanskrit poetry and the rights of kings and common people to the mathematics of probability, physics and religious dissent. This enlightenment did not stay in London either. The ideas of the day were brought directly to the people of Wales, at the time the most literate in the world due to the work of Griffith Jones and Madam Bevan.

William Jones (1746-1794), the youngest child of William the elder and nicknamed 'Oriental Jones', was paramount in translating and introducing the ancient literature of the Near East and India to Western Europe. He became Chief Justice of Bengal, where he is revered for his contribution to the promotion of Indian culture. He it was who introduced the idea of the Indo-European family of languages. William Jones was an enlightened 'Whig' politician and, like Dr Richard Price (1723-1791) of Llangeinor, was an advocate of emancipation of the people.

In 1782 William Jones published a pamphlet on the right of an oppressed populace to overthrow, by force if necessary, a despotic king. This was fine in English, because only the gentry were literate. However, when William Jones's brother-in-law William Davies 'Dean' Shipley (1745-1826), of St Asaph had it translated into Welsh, the authorities panicked - for the Welsh could read and were as ripe for revolution as were the American colonists and of course the French. Thomas Edwards, Twm o'r Nant

(1739-1810) interpreted the leaflet into one of his famous 'Interludes' to be performed at fairs around north and mid Wales.

The radicalisation of Welsh society was stimulated by supporters of the American revolutionary war and the Revolution in France such as Edward Williams, 'Iolo Morgannwg' (1749-1826), William Owen Pugh (1759-1835) and John Jones, Jac Glan-y-gors (1766-1821), the satirical poet. However, the greatest contributor to this cause and to world history was Dr Richard Price (1723-1791), who was invited to become Chancellor of the new United States of America, and, on his death received three-days state mourning in France. Without this man, we would have no insurance industry, no state pension and probably no national health service.

Dr Richard Price was a philosopher and the mathematician who studied probability and constructed the first actuary tables on which insurance is based. He was a nonconformist minister, who worked in London, following the great revolution in Christian thought and celebration promoted by Rhys Prichard - 'Ficer Prichard' (1579-1644), Vivasor Powel (1617-1670), Howell Harris (1714-1773) and William Williams Pant-y-celyn (1717-1791).

Following the dreadful wars of the 16th and 17th Centuries, 18th Century society had a similar optimistic atmosphere to the 'New Elizabethan' age, the 1950s and 1960s that followed the 20th Century wars. It was also a period of scientific and intellectual ferment, and the pushing of new frontiers in which our fellow countrymen contributed greatly. In celebrating the contribution made by the people of Wales during the Age of Enlightenment we give ourselves confidence to meet the challenges of the future. The creation of the Senedd in Cardiff Bay is emblematic of a reviving confidence analogous to the experience and contribution of 18th Century Wales ■

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Liberty's Apostle

Paul Frame looks back at the life of Richard Price, a largely forgotten son of Wales

Line drawing of Richard Price, 1793.

Readers of books on the 18th Century Enlightenment could be forgiven for thinking that while members of the 'English' and 'Scottish' Enlightenments were actively pursuing parliamentary reform, religious and civil liberty and new ideas of social justice, the Welsh had simply slipped into a sort of Winkle-esque slumber.

This limited view of Wales's contribution to the Enlightenment raises two questions. Is it accurate and, if it is not, how might we reveal the true picture to the general public both inside and outside Wales. That the view *is* inaccurate can be demonstrated by a cursory look at the life of the one person who usually rates a brief mention in the more enlightened of Enlightenment histories.

Richard Price was born on the 25 February 1723 at Tynton, a still extant Cadw-listed farmhouse in the village of Llangeinor near Bridgend. As the third child of his Calvinist father's second marriage, Richard received his early education at dissenter academies in Wales before moving to London in 1740. There he became a dissenting minister, married Sarah Blundell in 1757 and eventually settled in Newington Green.

Price entered public life in 1758 with the publication of *A Review of the Principal Questions and Difficulties in Morals*. In this he asserted our intuitive understanding of right from wrong and our predisposition to virtue. This was an argument that prefigured the categorical imperative of Emanuel Kant by more than thirty years. Price also tried to live by the moral precepts of his philosophy, though not always successfully. These precepts included an adherence to virtue, candour, usefulness, benevolence, reason and toleration and a belief in free will.

As part of his devotion to 'usefulness' Price often edited and sometimes contributed to the work of his friends and acquaintances including Joseph Priestley, John Howard the prison reformer and the economist Adam Smith. In 1764, on behalf of his deceased friend Thomas Bayes, Price edited and published a mathematical work on probability and the Doctrine of Chances. This contained a theorem described by Prof. G. A. Barnard in 1958 as "one of the most famous in the world'. It was for this work, and for his mathematical publications on probability, that Price was elected a Fellow of the Royal Society in 1765.

Stemming from his interest in probability was Price's passion for demography and the creation of the

mathematically complex tables of mortality used in the then burgeoning business of annuities and life assurance. These included his famous Northampton Tables that were used for over 50 years by the forerunner of today's Equitable Life. Price acted as an unpaid advisor to the Equitable for about 15 years and during this time his nephew, William Morgan of Bridgend, was installed as the societies actuary. Under Morgan's 55-year tenure as actuary the Equitable became one of the world's largest financial institutions. Price himself is now regarded as one of the founders of modern life assurance and the first to show how a life office should be run. Ironic, then, that when the Equitable Life finally ran into difficulties in the early years of the 21st Century it was partly because it ignored advice given by Price over 200 years earlier.

Price himself is now regarded as one of the founders of modern life assurance and the first to show how a life office should be run.

Price summarized his thinking on finance in *Observations on Reversionary Payments* published in 1771, a book described by his closest friend, Benjamin Franklin, as "the foremost production of human understanding that this century has afforded us". At the same time Price involved himself in various campaigns aimed at establishing old age pensions and friendly societies in Britain, although all these efforts were defeated in Parliament. Nevertheless, they provided a spur to Price's parallel campaign for parliamentary reform.

One notable success in financial matters came in 1786 with the

Top: Tynton in the village of Llangeinor near Bridgend, where Richard Price was born in February 1723. It remains an empty ruin with great potential to be developed as an interpretation centre to promote Price's life and work.

Above: Richard Price's chapel at Newington Green – today the oldest nonconformist place of worship in London.

establishment of a sinking fund for the redemption of the national debt. On this issue Price met with William Pitt the Younger at Downing Street. As both Prime Minister and Chancellor, Pitt requested Price to submit his ideas for such a fund. The final scheme was modelled on Price's third plan, the least attractive according to Price.

As one of the few British voices to publicly support the American Revolution from start to finish, in February 1776 Price published *Observations on the Nature of Civil Liberty*, a defence of the rebel colonists. This sold more than 60,000 copies within a year. In language and sentiment it was very reminiscent of Jefferson's later *Declaration of Independence*. The pamphlet was welcomed in America and reprinted throughout the thirteen colonies. Members of the American Congress distributed it amongst themselves and it was read by the likes of Jefferson, Franklin and Adams. A French writer on Price, Henri Laboucheix has even suggested that it may have been under the influence of Price's thinking that Franklin (or Jefferson) changed, "We hold these truths to be sacred and undeniable" in the draft independence declaration to the now famous phrase "we hold these truths to be self evident". It is, of course, a conjecture but one that illustrates the influence some writers think Price had at this time.

Richard Price was a controversial figure in his day. This 1791 engraving by Annabel Scratch is in the National Portrait Gallery collection, London.

Additional Observations, Price's second pamphlet on America, appeared in 1777 and his final offering, *Observations on the Importance of the American Revolution and the means of making it a benefit to the world*, in 1784. In the latter Price urged the Americans to strengthen their federal union, to guard against an unequal distribution of property, and to abolish slavery as quickly as humanly possible. Slave owner George Washington wrote welcoming the pamphlet and Thomas Jefferson sent a letter of reassurance when Price faced criticism from South Carolina and Georgia over his property distribution and slavery admonitions.

Often watched and 'abused' at home during the war of independence Price was lauded by many in America. In October 1778 the US Congress invited him to move to the United States and to become a citizen and their financial advisor. Price courteously declined on account of his age and settled ways. In sole company with George Washington he was awarded a degree by Yale University in 1781, and he became a member of the American Academy of Arts and Science in Boston and the American Philosophical Society in Philadelphia.

When revolution erupted in France in 1789 George Cadogan Morgan, another of Price's nephews, was in Paris watching the fall of the Bastille. Morgan kept his uncle informed of the developing situation, as did Thomas

Jefferson who wrote frequently from Paris. Price welcomed the events in a public sermon in November 1789, later published as *A Discourse on the Love of our Country*. It was this that induced Edmund Burke to write his *Reflections on the Revolution in France*, in opposition to Price's 'wicked principles'. Price made a short reply to Burke's attack but he was now too old and frail to enter into a long dispute. Instead, Tom Paine in his *Rights of Man* and Mary Wollstonecraft in *A Vindication of the Rights of Man* rose to his defense.

Price returned home to Wales almost every year to stay at Southerndown, on the coast in the Vale of Glamorgan. There he recuperated from his hectic London life by sea swimming, cliff climbing, horse riding and walking. In 1790 he made his last visit and stayed longer than usual. After his return to London his health failed and he died at Hackney on 19 April 1791 at the age of 68. His request for a quiet funeral was overridden and the cortège to his burial in London's Bunhill Fields comprised 30 gentlemen's coaches and 20 of family and friends. From France many of the new revolutionary societies expressed their sorrow at the passing of a man they dubbed the 'Apostle of Liberty'.

As one of the most celebrated men in London, Price's contemporaries were convinced of his lasting fame but this proved not to be. A combination of Burke's rhetoric, the Terror in France and Pitt's clampdown on reformist activity effectively removed Price's name from the accepted Enlightenment pantheon.

How, then, might we restore it? Our small indigenous media means that any attempt to enlighten sleepy Wales as to its Enlightenment history will need an imaginative response through the Internet, the National Museum and the museum at Saint Fagans. At the National Museum this process has begun with the opening of galleries dedicated to exploring the contribution of eighteenth century Welsh artists.

A bigger challenge is at St Fagan's. With its new designation as the National History Museum it now has responsibility for telling the entire history of the nation. This task, and the space it requires, is obviously large and it may be time for Saint Fagan's to think of developing offsite facilities. We should consider a centre dedicated to interpreting the Welsh Enlightenment with links established to interested parties abroad such as the historical and Welsh societies of America, particularly Pennsylvania where many Welsh people made their mark in the eighteenth century.

"one of the most celebrated men in London, Price's contemporaries were convinced of his lasting fame but this was not to be."

The aim would not be to idolise Welsh enlightenment figures but to show how the debates and issues of their time inform many of those of today. Price's life provides many avenues that might be explored in this way.

An exploration of slavery, for example, might begin with his pamphlet condemning the trade before moving on to the contribution of other Welshmen. Men such as Morgan John Rhys who, having fled to America in 1794, campaigned vigorously on the issue and even tried to help establish a black church in Savannah, Georgia from where Price had received his greatest criticism.

From there we might wend our way via Price's relatives in America who fought in the civil war and shared rooms with Abraham Lincoln, to the era of modern civil rights. We might end on the Welsh Window at the 16th Street Church in Birmingham, Alabama where Martin Luther King regularly preached. Created after a public subscription in Wales by artist John Petts and depicting a crucified Negro Christ, the window was presented to the bombed Church in 1965. To round off we might end by asking why so many descendants of Negro slaves appear to have Welsh sounding surnames?

As a campaigner for pensions and social welfare, Price also prefigures the later activism in Wales that culminated in the achievements of Lloyd George, Aneurin Bevan and Jim Griffiths. This story might have been told in Bevan's house in Tredegar had it not been demolished.

Fortunately Richard Price's home at Tyn-ton still survives. Should this property come on to the market Cadw, St Fagan's and other interested subscribers should surely combine to purchase it for the nation and establish it as an Enlightenment Centre in Llangeinor. The village is a gateway to the south Wales Valleys and provides a link into the 18th Century industrial history of Blaenafon and the nineteenth century coal industry, as well as to the continuation within Wales of the political and social campaigns Price had fought a century or two earlier.

As a boy in Tyn-ton Price was once discovered reading a book disapproved of by his father who then grabbed the work and threw it into the fire. Price started early on the road that led to the freedom of thought and intellectual curiosity that marked his later life. As Wales is now actively on the road of nation building, and since it is from the Enlightenment and the ideas of people like Price that many of our modern ideas of nationhood spring, Price's home in Tyn-ton would be a good place for us to learn about and wake up to our changing national reality■

Paul Frame is a geological consultant currently finishing a biography of Richard Price which he hopes will be published during 2009.

Toothache in Llangollen

Rhian Davies reveals a Welsh coda to Mendelssohn's more famous Hebrides outing

It's well-known that Mendelssohn's first visit to Scotland inspired his 'Fingal's Cave' *Hebrides Overture*, but details of his time in Wales in August 1829, a month later, have been almost entirely overlooked.

Mendelssohn made a total of ten trips to the UK and, during his first in April 1829, he was introduced in London to John Taylor, a wealthy mining engineer. In August, when bad weather frustrated his plans to sail to Ireland following his Scottish tour, he altered his itinerary to accept Taylor's invitation to stay at his country estate, Coed Du, Rhydymwyn, near Mold.

Here the composer wrote his three *Fantasies* or *Caprices* for solo piano, Op. 16, one each for Taylor's daughters Anne, Honora and Susan to play and inspired by the flowers in their garden. He also began work on his *String Quartet*, Op. 12, an organ piece to be played at his sister Fanny's marriage to Sebastian Hensel in October, and a theatre piece to celebrate his parents' Silver Wedding anniversary in December.

Above: Coed Du Hall at Rhydymwyn, near Mold, where Mendelssohn stayed and composed in 1829. The photograph is taken from an estate agent's catalogue when the property was put on sale in 1921. Photo: Llyfrgell Genedlaethol Cymru / The National Library of Wales.

Anne Taylor left valuable and vivid reminiscences of the 20-year-old composer:

"*It was in the year 1829 that we first became acquainted with Mr Mendelssohn. His arrival created no particular sensation, as many strangers came to our house to see the mines under my father's management, and foreigners were often welcomed there. Soon, however, we began to find that a most accomplished mind had come among us, quick to observe, delicate to distinguish. There was a little shyness about him, great modesty. I remember one night when my two sisters and I went to our rooms how we began saying to each other 'Surely this must be a man of genius. We can't be mistaken about the music; never did we hear any one play so before. Yet we know the best London musicians. Surely by and by we shall hear that Felix Mendelssohn-Bartholdy is a great name in the world.*"

Mendelssohn travelled widely in north Wales, including outings to Holyhead, Bangor, Beddgelert, Caernarfon, Capel Curig, Corwen, the Vale of Ffestiniog and Holywell. Diaries and sketchbooks chart his progress, notably pencil drawings of Conwy Castle and the 'Bridge over the Menay'. Thomas Telford's Suspension Bridge had opened a few years earlier, in January 1826 and was the largest in the world at that time. Mendelssohn also wrote long letters home to his family, detailing his impressions. The most trenchant was prompted by the performance of a harpist in a Llangollen hotel:

"*Anything but national music! May ten thousand devils take all folklore. Here I am in Wales, and oh how lovely, a harpist sits in the lobby of every inn of repute playing so-called folk melodies at you – dreadful, vulgar, fake stuff, and simultaneously a hurdy-gurdy is tootling out melodies, it's enough to drive one crazy, it's even given me a toothache.*"

He also complained about the Welsh weather:

"*Yesterday was a good day, i.e. I only got soaked three times. Bad days are beyond imagination; a raging, whistling storm has been blowing for four weeks almost without interruption, whipping the spray against your face – there's nothing to do for it except to sit around quietly indoors.*"

But there were brighter days, as Anne Taylor recalled:

"*My father's birthday happened while Mr Mendelssohn was with us. There was a grand expedition to a distant mine, up*

Gregynog Musical Festival Highlights

12 June

The Dufay Collective, one of the UK's finest early music groups, marks the 500th anniversary of Henry VIII's accession to the throne with repertoire from the Tudor courts including music by Henry himself.

13 June

A recital by the Anglo-Swedish Kungsbacka Piano Trio honours 90 years since the founding of the National Council of Music for Wales which held its annual conferences at Gregynog. The programme combines core Classical repertoire with the world première of *Notes to a drama*, a piano trio commissioned from the distinguished Welsh composer Mervyn Burtch to mark his 80th birthday in 2009. Mervyn will lead an open rehearsal and post-performance discussion about his new work in which he treats the three instrumentalists as protagonists in a miniature opera.

13 June

A late-night, jazz-inspired session will conjure up memories of Alec Templeton, a blind pianist-composer who became a huge media star in the USA the 1930s. Born in Cardiff in 1909, Templeton is virtually unknown in his native Wales, yet his signature show, *It's Alec Templeton Time*, was sponsored by Alka-Seltzer and broadcast coast-to-coast in the States with guests including Bing Crosby and Ethel Merman. Archive recordings of Templeton himself will be interspersed with live performances by the pianist Simon Crawford-Phillips.

14 June

To mark the Mendelssohn bicentenary the Aronowitz Ensemble play the string *Octet* plus music written by the composer in Wales.

19 June

A recital by the countertenor Iestyn Davies marks the 250th anniversary of the death of Handel. Davies, fast emerging as one of the world's most exciting Handel singers, comes to Gregynog fresh from his debut recital at Wigmore Hall and will be accompanied by the harpsichord virtuoso Gary Cooper.

20 June

Music for soprano and piano trio marks 200 years since the death of Haydn, including a sequence of Welsh folksong arrangements which the composer completed during the last year of his life. This recital will be the only appearance in Wales by the Haydn Trio Eisenstadt during a year-long world tour to honour the Haydn anniversary at venues including the Louvre and Metropolitan Museum of Art. They are joined by early music superstar Elin Manahan Thomas, following a recent collaboration to record the same repertoire on location in Austria for the forthcoming Tinopolis/ S4C documentary *Papa Haydn*.

21 June

The Sixteen, directed by Harry Christophers, perform works by Purcell to mark the 350th anniversary of his birth, and James MacMillan to mark his 50th birthday (21 June). Again, this is *The Sixteen's* only date at any Welsh Festival as part of the famous Choral Pilgrimage in 2009 and offers an exceptional opportunity to hear a world-class choir perform in a space as intimate as Gregynog's historic Music Room.

Further information about all this year's Gregynog Festival events can be obtained from Theatre Severn Box Office, **01743 281281** or visit **www.gwylgregynogfestival.org**

among the hills; a tent carried up there, a dinner to the miners. We had speeches, and health-drinkings, and Mendelssohn threw himself into the whole thing, as if he had been one of us. He interested himself in hearing about the conditions and ways of the Welsh miners. Nothing was lost upon him."

Mendelssohn's overall assessment of his Welsh experience was also positive:

"*Wales is a wonderfully beautiful country, but this sheet is so small that I will have to describe it to you in person.*"

And although the composer's time in Wales didn't include a visit to Montgomeryshire, an extraordinary connection has just come to light, namely that his grandson Albrecht Mendelssohn-Bartholdy attended a conference at Gregynog during the 1930s ■

Rhian Davies is a music historian and broadcaster and Artistic Director of the Gregynog Festival in her native Montgomeryshire.

All the Way, with the USA

Peter Stead

Any day now the team of genealogists, working under the First Minister's specific instructions, will come up with conclusive proof that the 44th President of the USA is directly descended from the Welsh bard Baruc o Barmouth. This will come as a glorious conclusion to our recent massive cultural assault on the USA.

Welsh civil servants have clearly been ordered not to rest until there is a Welsh poet-in-residence on every campus and a Welsh actor in every Broadway show. Every Welsh Male Choir will be filmed singing in the Grand Canyon. Teams of scholars at Aberystwyth and Carmarthen have been instructed to make it more widely known that it was a Welsh prince who first discovered America and that the Declaration of Independence was originally written in Welsh by Thomas Jefferson whilst back on holiday with his aunt at Llanberis.

There is something pleasing about hearing Welsh spoken now on the New York subway, although I must confess to having a distinct nostalgia for my first days living in the USA when I rarely met anyone from home (there were fewer British tourists in those days) and could easily embrace the fiction that I was now an American. The weekly delivery of the pink Football Echo was all I needed to confirm my Welsh identity.

I visited my grandfather's childhood friends in their San Francisco home but I was not tempted to trace descendents of a great aunt from Aberaeron who had emigrated to Ohio in the 1880s. At my beloved Boston Red Sox I made sure that everyone knew that Ted Williams, baseball's greatest hitter, was Welsh. At a performance of Eugene Onegin at Tanglewood, Stuart Burrow's Lensky was acclaimed and most people sitting near me soon learnt that both he and I were from Pontypridd. I did, I confess, use a lecture to inform an ancient society of patriots that most American presidents had been essentially Welsh. I was duly awarded an impressive medal.

In the process of reinventing myself as an American, politics inevitably played a vital part. For in sharp contrast to the descendants of earlier Welsh settlers, I was a confirmed Democrat. My reading of the New Deal story and the election of JFK during my last year in school had made any other option unthinkable. I went to the States in 1973 disappointed in the knowledge that I could never be president but I had every hope of becoming the Democratic Senator for New York, Connecticut or Massachusetts. I assumed my County Cork credentials would be invaluable.

Every Presidential election since 1960 has involved my passionate support of the nominated Democrat. I have only met two of them. I spoke to Jimmy Carter on the day in 1992 when he charmed Swansea audiences. Earlier in 1988 I had met the candidate Michael Dukakis on the evening of the Presidential Debate in Winston-Salem. This had come as a reward for my futile efforts on his behalf in coastal North Carolina. It was not easy seeing this able and liberal Governor of Massachusetts lose to the glib George Bush. The Republicans drove home the fact that disastrously Dukakis had released a killer: and my fellow Barry-boy, and hitherto hero, Bob Hope mercilessly ridiculed the Governor's name.

For all us Democrats, Obama's stunning victory came as the thrill of a lifetime. The sheer clarity of his intelligence gave every promise that an era of political stupidity was over. The state would now necessarily intervene to protect the infirm and underprivileged and all ethical decisions would now be made rationally. In the event the first two months of his presidency were to give grounds for concern. He had spent too much time appeasing or appointing opponents and he had seemed short on specifics. And all the while he faced greater and greater problems. Then in the last days of February he made two speeches that silenced his critics in the press. Nobel Prize-winning economist Paul Krugman commented, "We finally have a plan, and a President".

I was in the States for those two events and two things struck me. Picking up on Kennedy's theme of "not asking what America can do for you", Obama asked Americans who had dropped out of high school or college to go back and graduate. He identified the crisis as one in which everyone had to accept a degree of personal responsibility. A politician whose intelligence and vision have earned respect can look his nation in the eye and ask for individuals to accept that kind of challenge.

Obama also looked all the members of Congress in the eye and declared, "Those of us gathered here tonight have been called to govern in extraordinary times". Three months in office had given Obama every reason to question the motives and intentions of many elected representatives. He was calling for a fuller sense of the crisis and a greater degree of imagination.

As we go on trying to persuade Americans to take our culture seriously and to come here for their holidays (all the while suppressing the fact that most of our politicians, academics and writers favour a Socialist Republic), we should take on board these points made by the new President. Individual improvement and responsibility must be the cornerstone of economic recovery. Meanwhile our politicians must resist falling back on crude class and party shibboleths. So far we have had calls for 'Labour to be more Labour', for 'Independence' and for an end to coalition. Surely the time has come for thinking outside the box.