



THE LEARNED SOCIETY OF WALES CYMDEITHAS DDYSGEDIG CYMRU

THE NATIONAL ACADEMY — CELEBRATING SCHOLARSHIP AND SERVING THE NATION
YR ACADEMI GENEOLAETHOL — YN DATHLU YSGOLHEICTOD A GWASANAETHU'R GENEDL

Learned Society of Wales Response Constitutional and Legislative Affairs Committee Consultation – A Stronger Voice for Wales

September 2017

1. The [Learned Society of Wales](#) (LSW) is an independent, all-Wales, self-governing, pan-discipline educational charity that was established in 2010. As Wales's first National Academy of science and letters, the Learned Society of Wales, like similar societies in Ireland and Scotland, brings together the most successful and talented Fellows connected with Wales, for the shared purpose and common good of advancing and promoting excellence in all scholarly discipline across Wales.
2. The Learned Society of Wales welcomes this opportunity to submit comment to the Stronger Voice for Wales consultation.
3. Relations between Westminster/Whitehall and Cardiff of necessity assumed greater importance following devolution. The need for a better system of consultation and coordination grew with successive Government of Wales Acts. This development of devolution has increased the requirement for better functioning inter-governmental mechanisms.
4. In practice the process of consultation and coordination has been patchy. The lack of a coherent strategic approach to devolution hampered progress from the beginning. Additionally there was a tendency, still sometimes discernible, for parts of Whitehall to be reluctant to cede competence to devolved administrations, and even to seek to claw back powers which had been devolved. That risk is now in sharp focus in the draft EU Withdrawal Bill which by legislating for a retained EU law element would reduce and limit the exercise of powers already devolved to Wales. Additionally the public statements of some Ministers in London show scant regard or knowledge of the UK's constitutional arrangements. On the other hand devolved administrations have not always been prepared to consult more widely. Additionally Westminster serves variously as the UK and English legislature, sometimes confusing the roles.
5. A functioning system of intergovernmental relations is urgently needed. The present constitutional arrangements within the United Kingdom are complex and difficult to navigate. Moreover they are becoming increasingly sensitive as provision is made for the UK's exit from the EU. That departure raises very substantial issues as to how laws applying within the UK are to be made in areas currently within EU competence. There will be a need to preserve an internal market within the UK when we have left the EU internal market. But this will have to be ensured with due regard for the distribution of powers between the four governments and legislatures. Real economic and political interests are involved and will need to be factors considered in the formulation of policy and legal solutions.

6. Best practice will be relevant but more important is the recognition that putting in place policies to substitute for current EU policies and obligations will impose a substantial burden on the technical capacities in the four capitals. As an example, the Common Agricultural Policy will be replaced by new support arrangements in the four nations. This will be a huge task and immediately raises questions of commonalities and differences and how the arrangements in Wales will reflect Welsh interests, be part of a UK internal market, be financially sustainable, and meet the UK's evolving international obligations in new trade agreements. This example, one of many, underlines why consultation will be essential, and should extend into areas reserved for the British Government such as international trade.
7. Any mechanism for inter-governmental cooperation must be based on mutual respect and understanding and involve a real commitment by the parties to discuss challenges and seek outcomes as acceptable as possible to the parties involved. As a minimum interest should be set out, representations heard, and every effort made to find solutions. This requires a mix of the formal and informal, and at different levels. The JMC arrangements have a particular role, either to endorse policy or set strategic goals. Meetings should be more frequent and focussed to make a reality of the British Government's avowed intention, amplified in the last Queen's Speech, to have real consultations with the devolved administrations.
8. There is also a need for appropriate involvement of the devolved administrations in cross Whitehall deliberations when their interests are directly involved. Previous arrangements for determining UK positions on individual policy issues in the EU could be a model. Of course any negotiation is facilitated for a participant if the text on the table already reflects their interests. At official level and in day to day contacts there should be a flow of exchanges between officials where the voices of the devolved administrations are presented clearly and persuasively. Thus these contacts serve to lubricate and make more effective the more formal arrangements. In all cases a carefully considered and authoritative Welsh voice should set out and defend Welsh interests.

Thank you for your consideration of our response.

For further information, please contact:

Dr Sarah Morse, Senior Executive Officer, The Learned Society of Wales

smorse@lsw.wales.ac.uk

www.learnedsociety.wales