

Wales Green Party response to Commission on the Constitutional Future of Wales

Wales Green Party / Plaid Werdd Cymru is a semi-autonomous political party within the Green Party of England and Wales (GPEW). Wales Green Party (WGP) has a leadership team, elected by members and holds an annual conference. WGP is a membership led organisation and policy is proposed and shaped by members and then voted on by conference. The party's policy statement, 'Policies for a Sustainable Society in Wales' was recently redrafted to take into account changes in the political and legislative landscape in Wales. Wales Green Party is an internationalist party that believes in localism. The party is also part of the wider European Greens and Global Greens.

Wales Green Party stands candidates in elections at every level of government in Wales. Current membership of WGP is approximately 1900 and recent months have seen a steady increase of new members.

This response was developed on the basis of the policies of the Wales Green Party (WGP) which are developed by members and voted upon by the membership, and a specially convened members' meeting which considered the range of questions below.

1. What matters to you about the way Wales is run?

Our perspective is informed by the dependence of all our societies upon the living biosphere and climate of Earth, now critically endangered by destructive forms of development and economy. This highlights the need for governance to pay attention to the worsening and linked, climate, biodiversity and inequality crises that beset Wales. These will get worse in the foreseeable future, and indeed are of global concern. What matters to WGP is that Welsh governance should help support and enable communities, individuals, organisations and businesses to respond in informed and effective ways to these crises, in order to increase local, regional and national resilience and wellbeing. Equally important is that as a society we are enabled to take measures that help towards future improvements, and are not hollowing out future options and betraying future generations. To try to ensure this we support the stress-testing of measures and policies using our best available science and involving the systems sciences. Future security is the first duty of governance and expectation of citizens, currently the major risks are being ignored in ways which are irresponsible.

In addition to government setting the legal frameworks of regulation, the WGP supports **enabling** governance, that helps make the goals of subsidiarity (decisions made at the level nearest the grassroots) more of a reality. Practically, in this time of increasing social stresses, we will need to enable our communities through innovative law and legislation to help ourselves. Governmental agencies will not be

able to be effective without extensive citizen engagement. We would like to see discussion of our constitution include a real national conversation about climate change, informed by updated assessments of risks. This should involve extensions of democracy such as citizens' assemblies and juries and the involvement of Welsh civil society organisations such as NGOs, Voluntary Organisations, Trades Unions and the Third Sector; Social Business, and for-profit Business Organisations in addition to the various levels of Local Government, Caring and Public Service networks and organisations including the NHS. This should be carried on a model of 'Deliberative Democracy' where input from science on climate and on the links with biodiversity, and our dependence upon functioning life-support systems are made clear.

Effects on housing, energy, food, transport and care systems need to be understood and mapped as a whole, including their interactions. Solutions and measures for a national response would need to be as cross-party as possible and at a scale to really respond to the challenges of both adaptation and mitigation. As these issues are a matter of national and community survival, we believe that they are priorities to consideration when thinking about constitutional arrangements. These should be designed to readily mobilise all sectors of society for the necessary social and economic transformations. This is what Climate and Biodiversity Emergency means. Below we outline why this also means more ambitious, collaborative and learning forms of governance.

2. What do you think the priorities for the commission should be?

As constitutions set out the basis and rule-book for governance we interpret this question as asking about the constitutional commitments which we believe need to be in place to support and enable governance for Wales for the 21st Century. The kinds of constitutional commitments we would like to see the commission consider include:

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| a) Commitment to and/or legal status for nature and life-support systems (as for example in Chile and Costa Rica) | b) Statements about values/commitments to rights for human social equality enshrined in International Law |
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We see these as totally interlinked as we know that extreme climate change effects and biodiversity loss affect the poorest and most vulnerable. Further WGP policies are based on the need for a new social contract that provides security for all whilst just transitions are in place to try to secure a liveable future for ourselves and for future generations.

- c) Statements and structures that set **enabling frameworks for governance and democracy** including: a re-balancing of powers towards more localised agency; greater transparency and accountability in Welsh governance; clear relationships between different elements of governance including law, institutions, and research; the enabling of channels for information flows between nested scales of governance

– from local to national and international. In order to progress WGP believe that we have to reinvigorate local citizen democracy and learn from other countries.

- d) Commitments to a **cosmopolitan model of Welsh citizenship** which recognises and celebrates Wales' diversity and commits to a civil model of citizenship. This should be linked to a wide debate and consultation on the form of a **written constitution** (for reasons outlined further below).
 - e) Speaks to the question of legitimacy which asks 'what processes have resulted in the Constitution?' **What makes a Constitution politically legitimate?** WGP believes that it is time for updated standards of political legitimacy including: much more extensive participatory processes of constitution building; together with commitments to informing governance by the best available knowledge and science. With regard to the latter, WGP recognise that the most important sciences are complex and develop (as we see in the Earth systems sciences and have seen recently with the development of the epidemiology of the Covid 19, and modelling etc). This would also need to operate at local and intermediate levels of governance, with processes of Co-creation of policy bringing together stakeholders and experts. To support this means that any constitution should mandate governments to support independent research and to include scientific advice on any policies, together with stakeholder input.
 - f) Respect for evidence and testing, means that **Learning Governance** is needed alongside our changing understanding and really listening to the evidence from local communities and organisations about the effects of policies, with transparent review processes, leading to policy updates and adjustments in a timely manner.
 - g) These issues also link the question of '**what are the processes for updating the Constitution?**' We need processes that find a balance between providing stability for social progress and enabling daily life and the need for change and participatory forms of re-assessment which is likely to become more acute as the century progresses.
 - h) **Doing politics and governance differently:** WGP would like to see constitutional arrangements that encourage extension of democracy by bringing in real proportional representation to ensure that every vote counts. Further we believe that cross-party cooperation will become even more essential as we try to find ways to maintain our societies civility and avoid violence in the face of extreme challenges of dangerous climate change, social dislocation, industrial transition and political change.
3. Thinking about how Wales is governed, by the Welsh Government and the UK government, what are the strengths of the current system, what aspects do you most value and wish to protect? Can you provide examples?

WGP supports the many progressive policy advances of Welsh Government including:

- the Future Generations Act
- the Constitutional Commitment to ESDGC (Education for Sustainability and Global Citizenship)
- innovative work on Equality and the recognition and support of ACES (Adverse Childhood Experiences) as key for policy guidance for wellbeing
- taking a stand for the Welsh Language as of equal status to English in Wales being a goal linked to recognising Wales' distinctive cultural heritage and history as part of a wide recognition of diversity.
- Recent commitments to the Wellbeing Economy and membership of WEGo, together with Scotland, Iceland and New Zealand.

WGP also welcome the way in which the Senedd has been able to encourage (albeit limited) cross-party working for the wellbeing of all in Wales.

WGP sees many strengths in work so far and we believe that the Senedd has proved its worth in many respects to the people of Wales, even though much more needs to be done to improve information flows across Welsh society and government. As has been noted widely, Welsh Government also suffers from an attitude of risk avoidance and a compliance mentality which need to be surmounted. However, we also see the potential of these worthwhile policy measures as limited by the current constitutional arrangements. See below.

4. Are there any problems with the current system, and if so, how could they be addressed? Again, please provide examples.

We have seen recently that Constitutions that are not formally written down and which rely a lot on precedent and informal agreements are ripe for exploitation by populist politicians who will not respect such, to them, flimsy norms. Where precedent for relations between different parts of the UK are concerned, the norms of governance that developed whilst in the EU are now being ignored by a newly centralising Westminster that sees Brexit as a primarily English power project. Many people in Wales and other parts of the UK see the current British state as in a serious crisis and likely to further destroy liveable futures for citizens, undermining democracy and living standards. Equally, the British state seems totally incapable of taking necessary measures to protect our futures and transition to sustainable forms of business and economy.

The model of UK governance over the past 30 years has been progressive devolution and Welsh capacity for self-directed political change has greatly increased. However, as the implications of Brexit become more apparent, it is clear that the developing Welsh and Scottish devolution settlements, and the Northern Ireland Peace Agreement, have grown up within the frameworks of EU membership.

During this period much has been achieved in Wales and innovative policy has been put in place. As has been noted by many, the delivery of this policy has been less successful and this is partly down to the lack of powers and finance of the Welsh Government. In addition, the centralised model of Westminster has not been fully challenged in Wales by the inclusion of new forms of democracy and communications, needed in the 21st Century.

WGP supports the recommendations of the McAllister Commission to extend the Assembly and to extend the powers of the Senedd to Law and Policing. However, the ongoing political and constitutional crises brought about by hard Brexit are still unfolding and the progress of devolution in this way is now under threat.

For some forces in the UK Brexit presents an opportunity to recentralise the UK and re-establish a greater degree of control. The recent Brexit bill was used to make provision for an extraordinary re-balancing of power towards the centre and consequent damage to the internal settlement of the UK. The provisions for the 'internal market' contained in the Brexit bill were couched in 'neutral' economic language but the implications for the power of the Welsh and Scottish governments to work with society to shape the economy are profound. It has been stated in the Welsh Assembly that these measures 'drive a coach and horses' through the Wellbeing of Future Generations Act and the Welsh Government's commitment to the Wellbeing Economy (Senedd 21).

One clear example of the effect on the prospects for the Wellbeing Economy is the question of the replacement for the EU structural funds. During the Brexit debate, it was promised that Wales would not miss out on the EU funds it used to gain, which were under the control of the Welsh Government. What was not said was that these replacement funds would be centrally controlled by Westminster and based in the old neoliberal market logics now presented as 'Global Britain.' The Welsh Government's commitments to progressive environmental and social policies are thus under threat as these will mean nothing if any measures can be over-riden by Westminster in the name of 'neo-liberal UK market logics. More recently, this slow-motion political crisis has developed further with various measures being prevented or over-ruled.

5. Thinking about the UK government, the Welsh Government and Welsh local government (your local council), what do you think about the balance of power and responsibility between these three types of government – is it about right or should it change and if so, how? For example, who should have more power, or less?

WGP supports much greater power and responsibility devolved to the local level, together with appropriate support for informed governance. 'Power' comes in different forms and WGP supports executive powers to bring in legislation and frameworks that enable responsible exercise of powers (to do things) at the local level.

WGP supports the right of the people of Wales to decide on their own form of government through national debate and referendum processes. In this WGP would advocate for full independence for Wales. Our vision of independence is we would be freed to engage in many agreements with our neighbouring nations and to play our part in working for recognition of our global interdependence, and the need for global peace and cooperation

to solve our urgent common problems. We all share the global commons of Earth and our ecosystems cross human boundaries as do our economies.

6. As a distinct country and political unit, how should Wales be governed in the future?

Should we:

- broadly keep the current arrangements where Wales is governed as part of the UK, and the Westminster Parliament delegates some responsibilities to the Senedd and Welsh Government, with those responsibilities adjusted as in Q5, OR
- move towards Wales having more autonomy to decide for itself within a more federal UK, with most matters decided by the Senedd and Welsh Government, and the Westminster Parliament decides UK-wide matters on behalf of Wales (and other parts of the UK) OR
- move towards Wales having full control to govern itself and be independent from the UK OR

Wales Green Party supports moving towards Wales having full control to govern itself and be independent from the UK.

- pursue any other governance model you would like to suggest
- alongside any of these options, should more responsibilities be given to local councils bringing decision making closer to people across Wales and if so, please provide examples.

Yes, WGP supports a much greater devolution of powers to communities and local councils in Wales. For example, WGP supports revision of the planning system to allow Third party objections in cases of local concern. This cannot be supported by the current arrangements where Westminster can still control planning frameworks, preventing engaged local place-making. The current situation is weakening the ability of local people in Wales to put in place legislation ensuring environmental protection without being overruled by Westminster.

7. Overall, what is most important to you in about the way in which Wales should be governed in the future? Is there anything else you want to tell us?

We recognise that all Constitutions (including written Constitutions) are limited, they are inevitably influenced by the concerns of the time in which they are formulated and are to that extent embedded in political processes. What they can never do is to keep everything 'safe' and 'acceptable' for all time. Therefore, they need processes of updating.

Furthermore, all general language and statements are in need of **interpretation** which determines what they should be taken to mean in specific contexts. This is why Constitutional Law is needed in some form. This fluidity means that what Constitutions CANNOT DO is to guard against every eventuality. The price of democracy is democratic processes of evolution, balancing the need for change against the need for stable rules for social flourishing and law. Whilst recognising these limitations WGP advocates for a new Constitution for Wales that is suited to the challenges of our times, that can help society in Wales survive and flourish in difficult times for Wales and the world.

To this end we think that innovative approaches need to be urgently brought into wider political and social debate, such as the 'stress-testing' approach. This can bring in a dose of realism. Below is an example of 3 key 'stress tests' based on priorities for WGP policies.

Green Stress Tests

1. Is the Constitution fit to answer/help responses to the Climate and Biodiversity crises?
2. Is the Constitution fit to answer/help responses to the linked crises of social inequality, social dislocation and disruptions which we know will worsen as a consequence of 1. above?
3. Can the Constitution provide some mechanisms or commitments that can help keep society civil and minimise violence as many transitions will be happening at once?

We believe these questions or something like them would be a good basis from which to challenge and refine proposals.

We look forward to further debate and interchange on these important topics.