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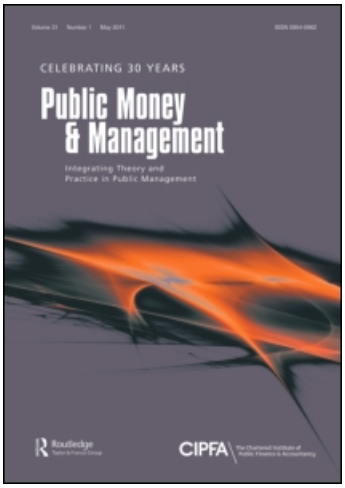

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Core tensions in Wales's new politics: pluralist trends in a majoritarian system

Laura McAllister and Adrian Kay

This article examines aspects of Wales's new political system. It identifies a core tension between traditional, majoritarian-designed institutions and procedures, and a new political pluralism. There is a fundamental disconnection between current politics and the original system design which has added complexity and inefficiency to the operation, management and administration of most aspects of devolved politics. Moreover, understanding the contours of the nascent and inchoate system in Wales has been obscured by debates about the distribution of legislative powers between Westminster and Cardiff. The article identifies lessons from coalition government in Wales, both for academics working on the implications of coalitions and for practitioners—specifically for 'constitution managers' and those engaged in policy-making.

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Most evaluations of the development of devolution in Wales (and to some extent, in the United Kingdom's other nations) approach devolution from a functional perspective—that is, in terms of the formal legislative competencies and specific powers that the National Assembly for Wales (Assembly) has, or might have, in future. This approach has meant that another important feature in the process—the maturation of a distinctive political system—has been under-researched. In Wales, there has been insufficient identification and analysis of the features of the embryonic system of politics and government. It is important that academics and practitioners understand the political and electoral consequences of the emerging pluralism and how politicians, political parties and other civil and civic actors produce and articulate demands for Welsh governmental action; how Welsh governments convert those demands into public policy outputs; and how these policy outputs feedback to the original societal demand.

This article concentrates on a core tension in Welsh devolution: the disconnect between traditional, majoritarian-designed institutions and operating practices, and the reality of political pluralism. The article is restricted to an exploration of coalition governments as one important manifestation of this tension. It uses findings from a research project designed to draw lessons for Wales from more experienced coalition states. There are specific lessons here for most key actors: the first minister, the presiding officer, the opposition parties, the civil service, the Assembly, the media and the public.

There was no widespread expectation in Wales that the limited, partial proportional representation system introduced would have any dramatic impact other than creating majoritarian governments with narrow majorities. Coalition governments were largely unanticipated so little preparation was made for them ahead of the Assembly's creation in 1999. Yet, against expectation and some majoritarian principles embedded in its institutional design, in only two of the 10 years of devolution has there been a single party majority government. There have been two different political configurations of coalition government—Labour and the Liberal Democrats from 2000 until 2003, and Labour and Plaid Cymru from 2007, as well as two minority governments.

There are no historical analogies in the UK to help policy-makers and 'constitution-managers' to adapt majoritarian institutions to the pluralist realities of the nascent devolution process. In Wales, it has been a case of intensive 'learning on the job' which has put significant managerial and administrative pressure on politicians and officials alike. This encouraged our project focus on international cases with longer experiences of coalitions.

This article presents the findings from

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empirical work on the second coalition government—'One Wales'—formed between the Welsh Labour Party and Plaid Cymru following the results of the third Assembly elections in May 2007 (see McAllister and Cole, 2007). In discussing some of the experiences of governing by coalition, we identify early manifestations of the central tension with a view to highlighting areas that might help manage change within the inchoate Welsh political system.

Unravelling the core tension

We accept that there is no straightforward binary divide between the operation of majority and coalition governments, and there are elements of the political system that are unaffected by the colours of the government. However, our hypothesis regarding the core tension between pluralism and majoritarianism relates to Wales specifically. Our research suggest that it has potentially harmful consequences for the next stages of development for Wales's new political system, particularly in respect of the efficiency and legitimacy of legislative, administrative and policy-making processes (McAllister and Kay, 2009). The Government of Wales Act 2006, for example, established a new constitutional framework for Wales which, despite evidence of the disconnect, embodied rather than eased this principal tension.

This is a central feature in political system efficiency—that is, design, responsiveness, operational considerations, political constraints and risks, and credibility—all of which are affected by coalition governments. In this article, we probe the effect of the *theoretical* principles underpinning institutional design being majoritarian, whereas the *political* dynamics emerging in devolved politics are essentially pluralist. For example, theories of responsible party government stress that majoritarian systems empower the winners to impose their preferences over the losers, with accountability and effective government more valued that the representation of all (Riker, 1962). In contrast, consensual democracies place a value on wider inclusion in decision-making of all political opinions. They give less emphasis to accountability and the rotation of parties in power than the Westminster model.

Context and background

The Welsh political system contains both majoritarian and consensual tendencies which often act in opposition. In structural terms, devolution in Wales was designed from a predominantly majoritarian blueprint. This was because it emerged from the framework of UK constitutional politics, particularly Labour party politics with its tribalism and strongly majoritarian instincts (Morgan and Munghan, 2000; Rawlings, 2003). Yet simultaneously, the new devolution settlement incorporated features that ran counter to those typical of UK politics. For example, while the electoral system used cannot be termed 'proportional representation' (McAllister and Cole, 2007), it is 'semi' proportional in both structure and impact, with its original design reflecting the need to include Plaid Cymru and the Liberal Democrats in the devolution referendum campaign of 1997 (Ron Davies, Evidence to the Richard Commission, 2002). Furthermore, Wales has four major political parties, plus the presence of smaller parties and independent candidates at local, national and European level elections. There was also a significant rise in the number of women elected to the first Assembly (25 or 42%) and efforts to organize Assembly business in a more consensual, inclusive way were part of an attempt to create a new, more equal and diverse politics (Chaney *et al.*, 2007).

UK politics (and, since 1999, the politics of Wales and Scotland too) has largely been excluded from the mainstream academic literature on pluralist politics and coalition governments, which has focused predominantly on mainland European states where coalitions are most common. The assumption that UK politics operated with separate dynamics meant that the reference points for the principal political actors in Wales are largely inappropriate, based on a binary party system and a majoritarian electoral system. As well as zero experience of coalition politics, there was only a limited understanding of the processes that underpinned the formation and operation of coalition governments and how the wider political system might need to adapt over time. When no party won an overall majority in the third Assembly elections in May 2007, it became apparent that all four main parties, plus the single independent member, might become part of the government. The negotiations around potential configurations were seen by the media (and thus, by many among the general public), as chaotic, abnormal and unprofessional (McAllister, 2007). What was striking about the debates and processes that surrounded the formation of the first two coalition governments in 2000 and 2007 was a sense of historical and procedural isolation. This underlined the serious gaps in organized information and comparative research of direct value to Wales.

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There is a wealth of academic literature on coalition governments, mainly around their formation (see Browne and Dreijmanis, 1982; Laver and Schofield, 1991; de Winter, 1995), with less on their operation and sustainability. However, little of substance or of a contemporary nature or directly relevant to the Welsh context has been written on the practical, constitutional and legislative implications of coalitions, bar a few think-tank publications (Bell and Murray, 2007; Seyd, 2002). The theory and application that underpins this body of literature is relevant to Wales, but much of its content is institutionally distinct and contextually irrelevant to the devolved nations. It tends to theorize coalitions rather abstractly using the mathematical approach of 'game theory', whereby formulae are constructed showing how individual actors behave rationally in different contexts to maximize personal utility (see Luce and Raiffa, 1957; Fach, 1974).

Our research draws on aspects of this literature, but our focus is practical—to discover whether there are basic principles that Wales can use to ensure that its coalition politics is less dependent on personality and more on procedures and principles. In the literature on democracies, much is made of the difference between majoritarian ('winner takes all') and consensual (power-sharing) systems. Scholars have traditionally depicted the majoritarian model as superior, both in terms of democratic authenticity and government performance. However, Lijphart (1999) produced evidence that countered this argument, lending support to the idea that consensual democracies fare better on both counts. Two observations allow us to adapt such insights from comparative politics to the study of the early adaptation of Welsh policy-making to consensual politics. First, scholars such as Lijphart tend to conceptualize majoritarianism and consensualism in structural-institutional terms, whereas in studies of public policy-making it is more useful to look at them in cultural terms, that is as different clusters of norms, traditions and practices shaping how governments conduct policy-making processes. Second, the latter are sector-specific and historically contingent features of particular policy systems, not of the political systems as a whole.

Arter (2003) has compared the policy and scrutiny capacities in established democracies in Scandinavia with the model emerging in Scotland. This is important for Wales, too, since an enduring feature of devolution has been the ambition for greater policy capacity in order to develop and implement distinctive 'Welsh solutions to Welsh problems'. Yet, unlike Scotland, Wales has not had a singular, grand constitutional event, but rather power has been devolved on a case-by-case basis, encapsulated in the maxim that 'every Westminster act is a devolution act'. In order to understand how coalition and minority governments have affected the nature, speed and contours of the Welsh devolution process, it is necessary to complement system-wide insights with more micro-level analysis of particular policy systems.

The concept of policy capacity is complicated, and includes several interlocking dimensions, such as advisory systems, implementation capacity, as well as the political capacity of the system to respond to changing demands from interest groups and the mass public (Painter and Pierre, 2005). For example, there is selection capacity: the (in)ability to forge authoritative choices which commit relevant state and social actors to implementing policy alternatives. In short, are policy systems in Welsh coalition governments able to overcome the typical weakness of systems where power is diffuse and consensus is required (Scharpf, 1988)? There is also operational capacity, or the degree of inclusiveness of policy networks. Are open and inclusive policy networks, which *prima facie* appear fleeting and difficult to 'manage', actually more effective in policy-making because they are better able to absorb complexity and are more resourceful and resilient in delivering outcomes? (Koppenjan and Klijn, 2004). This also ties in with the powerful rhetoric around inclusivity and wider participation that coloured expectations of how politics and policy-making might change after devolution (McAllister, 2000; Chaney *et al.*, 2007).

Coalition formation and early operation

This part of our article identifies some of the basic dimensions of the fault line in Wales's early experience of coalitions, especially the principal rules surrounding government formation and operation. De Winter (1995, p. 123) identifies the main rules as covering:

1. *The terms on which a government holds power: the requirement to hold an investiture vote and, if so, of what form; the obligation to resign if a government loses a vote of confidence.*
2. *The means by which a government is chosen: the role of the head of state.*
3. *The authority of a government to gain a dissolution of parliament.*
4. *The maximum time between elections.*

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Following the 2007 election in Wales, when no party won sufficient seats to form a stable government, there was a sense of drift, of slow motion crisis and paralysis. There were also debates as to the legitimacy and value of coalition governments in which those normative arguments used elsewhere featured highly. In terms of satisfaction with democracy/legitimacy, majoritarian systems tend to score lower because the 60% or so who 'lose' tend not to be satisfied; similarly, despite complaints of compromise or slowness of response to crisis, consensual decision-making has some evidence of being better at resolving longer term policy problems (see Lijphart, 1999). In Wales, a 2007 BBC Wales/ICM poll showed that 57% supported coalitions in principle—a view somewhat at odds with media representations.

There are both constitutional and political rules relating to coalition formation and operation. Countries like Belgium, Germany, Luxembourg, the Netherlands, New Zealand, and Sweden have firmer institutionalized processes for coalition building. For example, there is usually a clearer specification of the role of the head of state in determining who should lead the formation of a coalition government. In some countries a *formateur* is used, usually a politician, who is appointed by the head of state. There is also use of *informateurs* to assist the preliminary process of negotiations and 'caretaker' conventions. In Sweden, one of the more important aspects of the work of the speaker of the Riksdag is to head the negotiations concerning the forming of a new government in the event of a shift of power after an election (see Müller and Strøm, 2000).

Our interviews revealed that debates around the formation of a new government were, at least partly, psychologically constrained by a requirement in the Government of Wales Act 2006 for nominating a first minister within 28 days of an election. There are different degrees of order to the structures for coalition formation (see Seyd, 2002) but, given Wales's inexperience in this regard, imposing a rather tight constraint in a new legal framework underlines concerns about a disconnect between reality and expectation. Indeed, this deadline looks like a rather dated formality from a different, majoritarian era.

Following the elections, the Labour leadership wrestled with many coalition options simultaneously, including the drafting of a stability pact for use with Plaid Cymru on the basis of a 'confidence and supply' agreement as used in New Zealand (McAllister and Cole, 2007). Few of our interviewees claimed there was any detailed understanding as to the process for compiling a coalition programme and negotiating portfolios and this has been confirmed by others directly involved in the drafting of the 'One Wales' agreement (speech by Simon Thomas, a government special adviser, 'Modern Government' conference, Cardiff, 2009). What was most noticeable about the process of coalition formation was the superficial application of practice from elsewhere, often without any assessment of its core relevance to Wales. Our research identified two novel findings for the emerging literature on the Welsh political system:

- The importance of senior civil servants as the 'third partner' in successful and durable coalition administration and management.
- The roles of ministerial special advisors in coalition cabinets. Special advisors have been criticised (in both Wales and Scotland), but these positions were effective lubricants during the transition from majoritarian to coalition norms, especially in adhering to effective communication and the principle of 'no surprises' between the government partners.

These findings raise profound, and as yet unaddressed, questions about the 'politicization' of government and the democratic and representative credentials of civil servants and special advisors. Clearly, they are not electoral in nature or party political, but they should be, at a minimum in a democracy, *public*. Such actors should be subject to a range of accountability and scrutiny mechanisms that ensures their legitimacy in the political system. This allows *inter alia* some longer policy-making and immediate, day-to-day governing to continue through periods of coalition formation and transition, both after elections and potentially between elections, without the sense of crisis that marked May 2007. In doing so, this prevents any perceived instability in coalition governments from harming the efficiency of the political system.

Furthermore, the management of government and opposition business in plenary sessions and the requirements set out in the revised standing orders governing the appointment of presiding officers suggest the revised political framework has taken little account of fundamental political shifts: 'The Assembly must not elect a Presiding Officer and a Deputy who belong to: (i) the same political group; (ii) different political groups both of which have an executive role; or (iii)

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different political groups neither of which has an executive role' (Assembly Standing Order 2.12).

Consequences for the new political system

As well as shaping how coalition governments operate, the stresses in the Welsh political system affect electoral and party politics. In particular, there are new patterns of electoral behaviour that do not deliver clear, outright winners at elections. However, these inputs have coincided with the evolution of the structure of the Welsh political system in a majoritarian direction. Thus we do not detect any effective resolution of the tensions between majoritarian and consensual tendencies in Wales and expect the consequences of this fault line to continue to play out with potentially deleterious consequences for the efficiency of the Welsh political system.

Devolution has instigated some significant changes in electoral behaviour, with evidence of different voting intentions and levels of turn out between different levels of elections. This goes well beyond the original theory of 'second order' elections (Reif and Schmit, 1980). As well as differential patterns of voting in Assembly elections (McAllister and Cole, 2007; Scully and Wyn Jones, 2009), the European elections of June 2009 saw the Conservatives take the largest share of the popular vote in Wales for the first time since 1918. The emergence of a distinctive four-party system at the Assembly level, along with an electoral system designed to dampen the effects of shifts in the distribution of votes on the distribution of seats, underlines that coalitions are likely to be a permanent feature of devolution. Indeed, there was rumour of discussions around a centre left, 'tri-rainbow' coalition between Labour, Plaid Cymru and the Liberal Democrats after the 2011 elections (*Western Mail*, 4 July 2009). Related to these new forms of electoral behaviour is the representativeness of the Assembly itself; in particular, the proportion of female Assembly Members (AMs) reflects wider Welsh society and there has been limited development of some early positive manifestations of gender based co-operation and different forms of political behaviour displayed by women AMs from each of the four parties (see Chaney *et al.*, 2007).

However, and against such nascent consensualism, governing practice has quickly shaped the structures within the Welsh political system in a majoritarian direction, even where this was not explicit in initial institutional design. In terms of the Assembly internal structures, original expectations were high for its 'engine room'—the subject committees which had an unusual dual role over both scrutiny and policy development. The functions and format of the committees in the first two terms reflected the rhetoric of participation and inclusiveness with their initial design more in line with Scottish and Nordic committee systems than Westminster (Osmond, 1999; McAllister, 2000; McAllister and Stirbu, 2007). The committees responded with some valuable attempts to translate this rhetoric into creative and experimental approaches to policy design and delivery. However, the reality is that their record was patchy. In particular, they failed to build on early potential for information sharing between the executive and legislature, and consensual decision-making in key policy areas such as economic development, health and education (McAllister and Stirbu, 2007).

Another illustration of majoritarianism can be found in the area of nomenclature. Alongside the *de facto* creation of the 'Welsh Assembly Government' even when the original corporate body was intact, use of the term 'departmental secretaries' disappeared in 2000 to be replaced with the term 'ministers', alongside the identification of an official 'opposition'. This marked the beginning of the end of the Assembly as a corporate body, being a vehicle for policy-making and governing. The culmination was the establishment of Ministers of the Crown and the end of *ex officio* committee membership for relevant Ministers, as set out in the Government of Wales Act 2006.

A further structural indicator can be observed in the rapid and rather erratic reorganizations of the embryonic Welsh 'state'. Two clear illustrations of this are:

- The assimilation of the Welsh Development Agency and the Wales Tourist Board into the machinery of central government in 2006.
- Health service reorganization, where departments, ministerial portfolios and formal advisory systems have been in a state of almost constant flux during the 10 years of devolution.

Conclusions

The scope, breadth and reach of impact from Wales's embryonic politics are immense. In a very short time span, nearly all parts of the operation of the National Assembly and the Welsh Assembly Government have been affected. The emerging political culture in Wales appears to have some significant

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consensual tendencies that challenge aspects of devolution's system design. Political culture is more difficult to pin down than formal codified institutional procedures, but the absence of a deep ideological schism in the Welsh political system, alongside the gradual emergence of a cross-party, 'made in Wales' policy framework points to an embryonic new politics.

Our research around the 'One Wales' coalition government since 2007 has underlined the idea of a disconnect between an embryonic pluralist politics and a mainly majoritarian institutional framework. There is sufficient early evidence to suggest that this has created a degree of complexity and inefficiency that negatively impacts upon the management and administration of devolved politics. This appears to be both cultural and systemic (or operational) in its origins and manifestations. We contend that this can be attributed, in part, to the lack of fit between the organic development of the new politics and its operating framework. Based on early evidence, the fault lines do not seem permanent or fatal; rather, they can be shown to have obstructed (or failed to support) processes which would appear to be permanent features of devolved politics and should thus be adjusted to ensure better fit. As part of this, a delicate balance of 'soft' (or informal) procedures alongside 'hard' (or formal) ones is needed to manage and sustain coalition politics in a way that promotes system efficiency and public support. The next stages of our research will explore the optimum combination of these, as well as whether the core tension we have identified impacts adversely on the legitimacy of the system and the ability to govern effectively. ■

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