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Women and Constitutional Change in Wales

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Emerging Findings from Economic and Social research Council funded projects: ‘Gender and Constitutional Change: Transforming Politics in the UK?’ (L219252023) and ‘Social Capital and the Participation of Marginalized Groups in Government’ (R000239410).

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Abstract

This paper is based upon research conducted for two Economic and Social research Council funded projects: ‘Gender and Constitutional Change: Transforming Politics in the UK?’ (L219252023 - part of the Devolution and Constitutional Change Programme) and ‘Social Capital and the Participation of Marginalized Groups in Government’ (R000239410). In addition, it draws upon research funded by the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission. The following account explores the following aspects of constitutional change in Wales: i) how women entered political debates and influenced the processes of constitutional change; (ii) what impact the post 1999 structures, institutions and practices have had on women and women's political roles; and (iii) what lessons can be drawn from the Welsh experience and transferred to other contexts.

The findings presented here show that recent constitutional change has begun a process of rapid change. From the outset, the opportunities afforded by the modernization of government in the later half of the 1990s allowed women equality campaigners to successfully lobby for the new Welsh Assembly to be bound by a unique and innovative statutory equality duty. In addition, the reprioritization of equality matters that accompanied the post-1997 government reforms and associated positive action by some political parties saw significant progress made towards gender balance in national Welsh politics for the first time. The combination of these factors has been effective and resulted in a transformation in the role of women in national Welsh politics and the emergence of a new and distinctive equality agenda.

In drawing these conclusions a few cautionary notes are also necessary. The newness of the ‘devolved’ system of governance in Wales means that the vast majority of equality reforms comprising the new agenda are either still in the planning stage or in the process of implementation. For this reason it is too early to draw conclusions about the effectiveness of the present reforms based on measurable equality outcomes. Moreover, other factors mean that it is not possible to solely attribute the changes reported on here to the increased presence of women. Rather, additional salient factors need to be considered in attempting to understand the complex relationship between gender and constitutional change. These include: shifts in contemporary social attitudes; the institutional design of the Welsh Assembly; and the development of a new style of post-devolution politics. In short, such broader factors are linked to gender and constitutional change in a reinforcing and reciprocal process. In addition, despite significant progress in promoting gender (and other aspects of) equality in government and the public sector, modest progress has thus far been made in developing a wider participatory mode of politics that engages a broad cross-section of women in civil society. Nevertheless, the emerging findings from the first term of devolved governance reveals that lessons are already being drawn from Welsh experience and are informing contemporary debate on the future approach to gender mainstreaming in other European polities.

Introduction

Research examining the pre-1999 mode of governance in Wales concluded that it was male-dominated, exclusive, 'centralizing and anti-democratic' (Hanson, 1995; Bradbury, 1998:127, Morgan and Mungham, 2000:65) - or as one study dubbed it, 'a 'Raj' style of government' (Morgan and Rees, 2001:161). An official report revealed that during this period, a 'significant number' of government employees in the Welsh Office, 'ha[d] received no training or awareness raising at all on equality matters' (NAW, 2001: para 3.1). The chronic and longstanding under-representation of women in Welsh politics before and during the period of administrative devolution (1964-1999) served to undermine both the accountability and legitimacy of the prevailing mode of governance. Recent constitutional change has begun a process of rapid change. From the outset, the opportunities afforded by the modernization of government in the latter half of the 1990s allowed women equality campaigners to lobby successfully for the new Welsh Assembly to be bound by a unique and innovative statutory equality duty. In addition, the reprioritization of equality matters that accompanied the post-1997 government reforms and associated positive action by some political parties saw significant progress made towards gender balance in national politics for the first time. The combination of these factors has been effective and resulted in a transformation in the role of women in 'devolved' Welsh politics and the emergence of a new and distinctive equality agenda. The latter has been driven by key women Assembly Members and has resulted in ongoing and wide-ranging reforms to promote gender and other strands of equality of opportunity both in government and the public sector.

Following an outline of the research methodology, the following sections of this paper will address how women entered political debates and influenced the processes of constitutional change; what impact the post 1999 structures, institutions and practices have had on women and women's political roles; and what lessons can be – and are being - drawn from UK experience and transferred to other contexts.

Methodology

Data gathering for this paper was conducted between 1999 and 2003. The findings presented here are based on an analysis of 150 semi-structured interviews and focus group meetings with politicians and officials in the National Assembly for Wales as well as with managers of Assembly Sponsored Public Bodies (ASPBs – formerly 'quangos'), the statutory equality commissions, Welsh Local Government, NHS Wales, Assembly sponsored equality organizations, together with members of groups representing women and other, so-called 'minority' groups.¹ These were selected in a theoretical sample designed to reflect the size, nature and geographical location of such organizations. In addition, an extensive examination has been undertaken of the following data sources: the 'grey literature' of 'minority' organizations, minutes of meetings, internal unpublished strategy documents, the Official Record and videos of committee proceedings of the National Assembly, and the policies and practices of the Welsh executive.

Women's Influence on the Initial Process of Constitutional Change in Wales

¹ All quotations that appear in this paper are taken from original research interviews unless otherwise attributed.

In Wales, the women's movement shaped and led the equality agenda through a strong tradition of civic and political activism. Over recent years this has included: the predominantly female-led Wales Congress in Support of Mining Communities that grew up in response to the hardships of the 1984 miners' strike, and more recently, the pro-devolution campaign group Women Say Yes. Yet the movement's role in influencing on the initial process of constitutional change leading up to the 1997 referendums differed from broad-based mobilisation and engagement witnessed in the pro-devolution campaigns in Scotland and Northern Ireland (see Brown, Barnett Donaghy and Mackay, 2002). Rather, it relied on a small network of influential gender equality activists in the left-of-centre political parties and gender equality organisations such as the Equal Opportunities Commission and Chwarae Teg.¹ In a manner consistent with 'classic' social movements theory (Cf. McAdam et al, 1996), this 'elite' cadre of activists capitalized on its comparatively well-developed networks and mobilizing structures and seized the prevailing political opportunities to influence the process of devolution. Their influence is illustrated by the proceedings of the Parliament for Wales Campaign's Democracy Conference in March 1994. Equality issues were originally absent from the 'Draft Democracy Declaration' - the Campaign's blueprint for a future Welsh Parliament. After this conference, addressed by the future Assembly Members (AMs) Jane Hutt (then director of Chwarae Teg) and Val Feld (the then director of the Equal Opportunities Commission), the following clause was added to the Declaration and subsequently Approved:

'a future Welsh Parliament will ensure, from the start, that there is a gender balance in its elected representatives, and will ensure that its procedures will enable women, men and minority groups to participate to the fullest extent'.²

Internal bargaining between Welsh Labour Party factions in the mid-1990s also shaped the Assembly's equality duty. In 1996, equality campaigners were alarmed when the original plan for an 80 seat Assembly was abandoned. According to these initial proposals gender balance was to be achieved by each constituency returning a male and a female representative. However, in order to broaden support for devolution, new plans were introduced that cut the total number of seats to 60 and introduced an element of proportional representation into Assembly elections. Activists then lobbied for the issue of gender balance to be addressed within a wider 'commitment that the Assembly should have a responsibility to drive forward equality issues' (Feld, 2000). This idea fitted neatly into the prevailing concept of 'inclusiveness' that became the buzzword of the devolution campaign (Cf. Chaney and Fevre, 2001). Subsequently, the Secretary of State for Wales, himself an advocate of gender equality, invited key figures in the Equal Opportunities Commission in Wales to draft equality of opportunity clauses that were endorsed by the National Assembly Advisory Group (NAAG) and ultimately found their way into the Government of Wales Act (1998).

One of these clauses is an example of a 'fourth generation' equality duty³ and it is unique amongst the devolution statutes (Cf. Chaney and Fevre, 2002) for it requires government to take a proactive and promote equality for *all* persons and in respect of *all* Welsh Assembly Government functions. It reads:

The Assembly shall make appropriate arrangements with a view to securing that its functions are exercised with due regard to the principle that there should be equality of opportunity for all people.⁴

In addition to this principal equality duty, a second statutory clause (section 48, Government of Wales Act), requires that the Assembly have due regard to the principle of equality of opportunity in the conduct of its business. These innovative legal imperatives to promote gender (and other forms of) equality are particularly significant in that they convey new legal rights to women. This follows for the duties set out what women may expect from their elected representatives. Importantly, they set out clear measures for legal redress if AMs and officials fail to promote gender equality (see Chaney, 2003).

The institutional blueprint for a mode of government that enshrined and promoted gender (and other forms of) equality was completed by the National Assembly Advisory Group. This was convened by the Secretary of State to set out the future working practices of the Assembly. Subsequently, the Assembly Standing Orders Commission, the body that set out the Assembly's internal law, reinforced this work.

In the absence of the wider mobilization experienced in Scotland and Northern Ireland, Welsh gender equality activists relied upon a mostly 'technical approach' to the opportunities presented by constitutional change. They placed key emphasis on influencing the institutional blueprint for the Assembly - both in order to achieve an equal role for women politicians and to *compel* the Assembly to promote of equality of opportunity. One of their number, the late Val Feld AM, said:

'I think that we have succeeded in putting in place every structural measure that we could reasonably expect to try to create a new framework and ethos that means equality has a good chance of flourishing in the way that the Assembly carries out its business and in the way that it works internally and externally'⁵.

This point was emphasised by Helen Mary Jones, who, like Feld, was one of the key gender equality campaigners to be elected to the Assembly. Speaking at the end of the Assembly's first term, she concluded that this blueprint had paved the way for subsequent progress:

'we have been able to make a difference in this new space [the National Assembly], but an awful lot of people did an awful lot of work to ensure that this new space could operate in that way, so it was set up in such a way that it was *very difficult for anybody to do anything else*'.

We now turn to a consideration to changes in gender equality made in the wake of the imperatives set out in this enabling institutional framework.

What Impact has the post 1999 Structures, Institutions and Practices had on Women – and Women's Political roles?

Recent accounts have summarised the principal arguments as to why women's presence matters in contemporary politics (see for e.g. Phillips, 1995; Lovenduski, 1997;

Mansbridge, 1999). These are linked to wider political science debates such as democratic legitimacy and deliberative democracy. As Childs (2001:319) notes the main (non-discrete) arguments for women's representation are: 'the style argument; the symbolic argument; the substantive argument; and the justice argument'. In addition, issues of democratic legitimacy are central here. The evidence of women's role during the Assembly's first term provides empirical evidence that supports these arguments and highlights their salience in the context of post-devolution Wales. In addition, and linked to the foregoing, devolution has presented an unprecedented opportunity for reprioritising the promotion of equality of opportunity by government in ways that impact not only on government itself but the public, private and voluntary sectors. According to Mackay and Bilton (2000:109) 'constitutional change and the government's modernisation agenda are seen as important enabling context within which equalities work can develop'. Whilst subsequent work asserted that, 'the political climate for equalities has undoubtedly improved and new structural spaces have opened up, the question is ... about the extent to which there is continuity and to what degree different priorities and agenda can be discerned' (Breitenbach et al, 2002: 11). The remainder of this paper is principally concerned with these issues.

Women's Symbolic Representation

There are a number of dimensions to symbolic (or descriptive) representation that are relevant to an understanding of gender and constitutional change in Wales: 'legitimacy', 'critical mass', the 'role model effect' and 'identity and affinity'. Before exploring each of these it is necessary to outline how progress was made in terms of symbolic representation. Whilst the original plan to achieve gender equality amongst elected representatives through a formal requirement that all constituencies be twinned failed to reach the Statute Book,⁶ activists ensured that gender equality was encouraged in the devolution White Paper. Under the heading 'Representing all the people of Wales', the Paper stated that:

'the Government attaches great importance to equal opportunities for all ... It believe that greater participation by women is essential to the health of our democracy. The Government also urges all political parties offering candidates for election to the Assembly to have this in mind in their internal selection processes' (Welsh Office, 1997, p.24, para. 4.7)

The three main left-of-center parties heeded this message. Bitter infighting ensued when the Welsh Labour Party adopted 'twinning' in its candidate selection procedures. However, this did secure a majority of women amongst the Party's AMs (ultimately 16 women and 12 men). Elsewhere, Plaid Cymru 'considered twinning, [but] the party rejected it fearing a conservative backlash, although it did zip the first four places on its regional lists' (Squires and Wickham-Jones, 2001). This approach resulted in 6 women being amongst Plaid's total of 17 AMs. This too provoked internal party strife involving 'threats of resignation and accusations of blackmail' (Edwards and McAllister, 2002:164). The Welsh Liberal Democrats 'offered training days for women only and emphasised an informal route in order to encourage female applications' (see Bradbury et al, 2000). Ultimately the combination of these measures led to substantial gains in respect of women's symbolic representation with the Assembly having the second highest proportion of women elected to a national government body in Europe (41.7 per cent).⁷ As the remainder of the paper shows, this 'critical mass' of women has been central to a new mode of post-devolution politics in Wales, one that contrasts with the practices at

Westminster. Indeed, one male AM has called the Assembly's high level of female representation its 'most distinctive feature'.⁸

The emerging evidence suggests that the 'critical mass' of 42 per cent of women AMs has made a significant impact although it is too early in the Assembly's history to gain a full understanding of this effect. Mackay et al (2003) define 'critical mass' in terms of 'women shaping political practices ('acting like') and making the political agenda more reflective of women's concerns ('acting for')'; in short, this marks the progression from marginalized minority to a mainstream voice for women by women.

According to one woman AM, 'having a critical mass of women parliamentarians has made a difference to what we talk about, what we prioritise, what we do, and its made a big difference about how we do it'. Whilst party political politicking has been foremost during the Assembly's first term, even after an often-bruising four years during which the institution developed from little more than a statutory blueprint, some AMs are reluctant to dismiss the notions of a cross-party sisterhood that were expressed during the Assembly's first months (see Betts, Borland and Chaney, 2001). One noted, 'it's not nonsense... if you look at the committees that have succeeded in working in an inclusive way, they are predominately committees where women are ministers and feminist women that makes a difference'. Yet women AMs are cautious about the idea that the new gender settlement is, in any way, becoming 'normalised'. Referring to the way that male colleagues have returned to the issue of abandoning family-friendly working hours, one observed that 'there is a big risk that people get complacent about this.' Notwithstanding the evident need for such vigilance, the fact that increased gender equality amongst elected representatives has been achieved from the outset of the new legislature means that, at least, in terms of the Assembly's rules and mode of operating there is some evidence of 'normalisation'. In the wake of constitutional change this aspect of the 'new politics' once again highlights the importance of the way that equality was built into the original institutional blueprint of the Assembly. Such 'normalisation' is evident in the institution's working hours⁹ and rules on the language permitted in political debate.¹⁰ However, the transfer of the Welsh Office civil service to the National Assembly with its attendant under-representation of women amongst its staff and its poor record in promoting equality of opportunity means that much further work is necessary before gender equality is normalised in the bureaucracy.

Identity, affinity and the 'role model effect' are also salient factors in attempting to understand the post-1999 developments. From inside the Assembly one woman AM stated that 'we've now got some brilliant role models, some people who are not traditionally obvious supporters; people who can look at [the Assembly] and say "they are like me, she cares about the same things I care about"'. Interviewees outside the new legislature echoed this view. For example, one key gender equality activist spoke of 'the positive role models that physically exist in terms of the number of AMs and ministers ... [they] deal with a very diverse agenda and this makes sure that equality of opportunity is considered across the work of the Assembly'. Another added that things 'cannot be as dark now as we have more positive female role models than ten years ago'. Other interviewees underlined the importance of having a significant number of women AMs. One said, 'there are women clearly being intimidated by males – you know you need another female, just to help you through. *You need that critical mass*'. A comparative perspective was forthcoming from a woman MP representing a Welsh constituency. She gave her opinion of the differences between Westminster and Cardiff Bay in the following terms: 'I think the women Ministers in Wales are giving good role models for

women and I think their type of politics on the whole are the non-confrontational type of politics where you're working hard to achieve change and you do it in a hands-on constructive sort of way; and the cut and thrust of the debating chamber is a secondary sort of thing really'.

Women's Representation and the 'Style' of Politics

The experience of the Assembly supports the findings of recent research in relation to Westminster (Childs, 2002) and Edinburgh (Mackay et al 2003). Namely, that there are differences in ways of working that are at least partly attributable to gender. However, a cautionary note is necessary here for it is hard to separate the influence of the institutional design with its emphasis on committee work from the way that women have influenced the style of politicking. Nevertheless, interviewees did support a link between gender, constitutional change and putative 'consensual politics'. The chair of the Assembly's Health and Social Services Committee referred to the Committee's gender dynamics and concluded that, 'it is true – we have worked really, really hard in my committee to work in a way that is consensual. And I think that in the three and a half years that we have been running we have only failed to come to a consensus twice'. Other women AMs spoke of their 'determination to break down tribal, confrontational politics'. Reflecting upon this development, managers of women's groups that are participating in the new post-devolution equality agenda have pointed to the ideological background of a number of women AMs as underpinning the emergence of a new style of politics. In the words of one, 'quite a lot of the women in the Assembly have come up through feminism.' According to another interviewee, this has 'made a difference because they're more "people-centred" ... because compared to male AMs - they're more used to working with consensus.' Despite these earlier statements, in follow-up interviews, conducted at the end of the Assembly's first term, a number of the same AMs spoke of how initial progress in establishing a new, more consensual style of politics has sometimes been held back and undermined by party politics. As one interviewee put it, 'you have got seasoned politicians ... acting in such a traditional male way that it makes change very, very difficult and can sabotage very positive initiatives within the Assembly.'

Descriptive Representation of Women and Deliberative Democracy

Descriptive representation and the ability to draw directly upon life-experiences inextricably linked to the ascriptive characteristics of the individual, in this case derived from gender, provides a link between the benefits of symbolic and substantive representation. This has been central to both women's new role in contemporary politics and the development of a 'new politics' following devolution (for a full discussion see Chaney and Fevre, 2002a). It also supports the arguments of those advocating the merits of a pluralist conception of 'deliberative democracy'. Two such exponents, Gutmann and Thompson (1996:55), summarise this idea. They assert that problems arise in democratic systems, such as in the male-dominated politics prior to constitutional change, when participants represent the interests of fundamentally different groups to themselves. In a similar vein, Gargarella (1998:124) explains that full representation of all groups in civil society, including women, is necessary because otherwise elected representatives will fail to put themselves in the position of those that they are supposed to represent, they will not

be sufficiently motivated to advance others' causes and, moreover, they cannot be trusted to do so.

The way in which descriptive representation of women strengthens the deliberative aspects of democracy has been evident during the Assembly's first term. Women AMs have brought a direct female perspective to political debate; this was not previously possible in the male-dominated Welsh Office and was difficult to achieve in Westminster with the small number of women representing Welsh constituencies. This aspect of gender and constitutional change has been highlighted by a number of AMs.

As one put it:

'Jane Hutt the Health Minister was the first ever national co-ordinator of Welsh Women's Aid the body that campaigns to counter domestic violence – I was one of its first national chairs – now you don't bring that shared experience of twenty years working on women's issues together into an institution and then instantly drop it as soon as one of us is elected with a green rosette and one of us is elected with a red one... there are lots and lots of examples of that'.

A Liberal Democrat AM also expressed this view:

'without women taking part in decision-making, their views and needs are bound to be overlooked to a certain extent. It means that the life circumstances and perspective of 52 percent of the population are inevitably ignored, played down or tackled inappropriately. This does not assume that all male politicians are chauvinist pigs, although sometimes those in the House of Commons may manage to give us that impression. It simply recognises that one sex, however sympathetic, cannot fully and fairly represent the interests of the other'.¹¹

Women, Social Justice and Democratic Legitimacy

The new post 1999 gender balance has impacted upon the legitimacy of government in Wales. This follows because *inter alia* the Welsh Office was not staffed and run by people that were representative of the wider Welsh population; women, together with other so-called 'minority' groups, were particularly under-represented.¹² For this reason the Welsh Office was widely seen as lacking democratic legitimacy (Cf. Jones, 1997:55, Rawlings, 1998:500). Democratic theorists highlight the difference between representative democracy and participative democracy (see Pateman, 1970). Often, for the former, voting is the limit of wider participation in a democratic system (Cf. the work of Joseph Schumpeter and Robert Dahl). Yet, as proponents of participatory democracy observe, if legitimacy is derived from the people, for a purportedly democratic institution to be truly representative it must secure the participation of all groups in society both as citizens, employees and as elected representatives (Cf. the work of Rousseau and J.S. Mill). In this sense democratic – or elected - devolution has increased democratic legitimacy over the earlier mode of administrative devolution, not least because it has (almost) given women an equal role as elected representatives. Furthermore, women as well - as men - have been given a vote to decide who exercises the devolved functions of government in Wales (in terms of the first Assembly elections, women were marginally more likely to vote than men; 55.6% compared to 49% (Wyn Jones and Trystan, 2001:30))¹³.

Allied to arguments about legitimacy, social justice has resurfaced in recent political debate. The findings of the 1992 Commission on Social Justice shaped a future

programme of government that included devolution and concerns to promote equality of opportunity. Many of the Commission's principles were subsequently repeated in the 'third way', the political views that set the reforming programme of the 1997 Parliament (Cf. Blair, 1998:3). As a recent report for the Scottish Executive notes, 'mainstreaming has the potential to be a key delivery mechanism for social justice' (Mackay, 2001:155). More recently, research has shown that arguments about social justice were the most prominent amongst those advanced in the debates that led to the passing of the Sex Discrimination (Election Candidates) Bill (2002) (Childs, 2003). Although it has largely been absent from Assembly policy documents and academic commentary, greater social justice has stemmed from the post-devolution gender settlement in Wales.

The Substantive Representation of Women

According to Mackay et al (2003), substantive representation refers to 'the opportunities for the concerns and interests of women to be heard and taken into account in the policy-making process – through the institutionalisation of channels and mechanisms'.

As recent research has concluded, 'in the devolved institutions of Wales and Scotland the proportion of women is substantially greater, and their ability to determine the agenda correspondingly more effective (Ward, 2000, unpaginated; cf. Chaney and Fevre, 2002a).' That this is the case in Wales, is in part, due to women forming a majority in the Assembly Government's cabinet (five out of nine ministers); something that, according to Feld (Feld, 2000:76), is 'unparalleled in the Western world.' The potential for the new gender settlement to influence the policy agenda was highlighted from the outset (e.g. see Daugherty et al, 2000 for a discussion of education policy). The most prominent, but by no means only, example of this is the way that women have shaped and reprioritized of the political agenda in order to promote equality of opportunity during its first term.

Final responsibility for the Assembly's equality agenda lies with the Welsh executive, however, the legislature's 11 member cross-party Standing Committee on Equality of Opportunity has collectively overseen a raft of reforms initiated during the legislature's first term. The initial actions of the Committee have been shaped by the Assembly's 'internal law' or Standing Orders that require it to effectively prioritise - or have 'particular regard' - to gender equality (as well as promote equality for groups defined by race or disability). Latterly, the Committee has begun to broaden its focus beyond these (non-discrete) groups and it has considered equality of opportunity for groups defined by language, sexuality, age, and faith as well as in relation to gypsy-travellers.

In its first three years the Committee has been chaired by a succession of two women Government ministers. Women AMs have formed the majority of the Committee's membership and have set its agenda. The Assembly's equality duty effectively removes equality issues from the list of competing priorities of party political agendas because AMs have no choice in this matter; they are *legally obliged to promote equality*.

The executive's initial actions in responding to the Assembly's statutory equality imperative have mainly concentrated on the public sector and government itself, for as the Minister responsible for equality matters observed, 'only once it gets its own house in order can the Assembly take the lead in addressing th[e] enduring barriers to equality (WAG, 2001:2).' One AM expressed a widely held view when she described the Equality

Committee's responsibilities as 'a huge remit'. This follows because the statutory duty applies to all Assembly government functions. The Committee has been proactive in meeting this challenge and a wide-range of reforms are now being implemented across government, and the public and voluntary sectors (for a full discussion see Chaney and Fevre, 2002).

Notable examples of the reforms aimed at promoting equality for women (and other groups) that the Committee has implemented include those that have been applied to the Assembly Civil Service. These have involved: the introduction of a new work scheme to enable those with domestic and family responsibilities greater flexibility; a survey on childcare needs in the Assembly; mandatory equality of opportunity awareness training for all civil servants; measures to ensure that the salaries of women taking maternity leave or staff taking career breaks do not fall behind; and the funding of a 22 per cent increase in the Assembly's pay bill in order to move towards ending the gender pay gap. These developments have received widespread attention. According to one commentator they placed the Assembly at the 'centre of the universe' in developing good equality practice (MacErlean, 2002:unpaginated).

The Welsh executive has also introduced measures to mainstream equality in the policy process. These include equality impact statements used by civil servants in the preparation of policy, and funding for a women's consultative policy network with over 100,000 members (see Chaney 2003, for a full discussion). However, analysis of these reforms shows that there is unevenness in the way that the legislature is responding to the equality imperative and that much further work will be necessary before full gender mainstreaming in government becomes a reality.

Other examples of reform include innovative steps by the Equality Committee to develop the use of contract compliance by government in order to promote equality of opportunity in two areas; in respect of the goods and services that the Assembly (and public sector bodies that come under its remit) procure, and in the employment practices of those that the legislature does business with. Consistent with the executive's aim of mainstreaming equality, a range of monitoring tools is now being applied such as ongoing equality audits of the Assembly bureaucracy and public sector in order to secure continued progress in the promotion of equality.

Conclusion: What Lessons can be drawn from the Welsh Experience and Transferred to other Contexts?

In drawing conclusions about the recent developments in Wales a few cautionary notes are necessary. The newness of the 'devolved' system of governance means that the vast majority of equality reforms comprising the new agenda are either still in the planning stage or in the process of implementation. For this reason it is too early to draw conclusions about the effectiveness of the present reforms based on measurable equality outcomes. Moreover, other factors such as changes in contemporary social attitudes and human rights legislation have also contributed to the advances reported on here. In addition, despite significant progress in promoting equality in government and the public sector, modest progress has thus far been made in developing the participatory response to the equality duty anticipated by some theorists. Accordingly, it will take more time to develop adequate mechanisms whereby a wide range of groups representing women (and

other marginalized groups) in the voluntary and private sectors can feed into the policy process. It is also the case that, whilst a 'critical mass' of 25 women AMs has been instrumental in transforming the nature of post-devolution politics in Wales, many problems remain. For example, there is evidence of some male AMs attempting to promote a 'Westminster style' confrontational mode of politicking. Moreover, there has been: a general reluctance from a number of AMs to undertake equality awareness training (NAW, 2001a: unpaginated); there have been (unsuccessful) moves to abandon the Welsh legislature's family-friendly working hours, (Osmond, 2001:43) and only a limited number of AMs speak during the Assembly's Annual Equality debates. The latter points suggest that at present equality of opportunity does not command a high priority for those outside of a limited cadre of equality reforming AMs. Furthermore, whilst there is some evidence that the new gender settlement in Assembly politics is becoming 'normalised', considerable challenges remain in transforming the institutional culture of the Assembly civil service. Lastly, it is important to note that the enforceability of the all-embracing 'Welsh-model' equality duty upon government is presently unknown because no legal challenges have been brought using its provisions.

Notwithstanding the foregoing, the experience of the first Assembly's term provides valuable evidence of the link between the descriptive and substantive representation of women in contemporary politics. Reflecting on this Squires (2003) notes that Westminster can learn from the Welsh experience. She concludes that when compared to the evidence of the UK parliament (Cf. Childs, 2002), 'the link between the descriptive and substantive representation of women has been much clearer ... in Wales and Scotland where levels of female representatives are much higher'. As a result of almost equal descriptive representation, women in the Assembly have been able to set the political agenda in relation to equality of opportunity and other policy areas. Referring to the resulting equality reforms during the Assembly's first term one commentator concluded that they are, 'a striking example of the penetrating impact the Assembly can have on specific policy and administrative areas, with wider consequences for society more generally' (Osmond, 2002: xxiv). The Welsh equalities agenda also indicate that there is merit in placing on government a positive duty to promote gender and other forms of equality across the breadth of executive functions (see Chaney 2003b). Indeed this approach has begun to inform wider debate in respect of implementing the UK government's proposals for a single equality body to replace the existing non-departmental government bodies (i.e. EOC, DRC and CRE) charged with promoting and enforcing gender and other forms of equality (Cf. EOC et al., 2003). In addition, it has informed the debates on the future development of equality legislation in the Irish Republic (Cf. Chaney and Bennett, 2003). Squires (2003) summarises the way in which lessons from Wales relating to gender and constitutional change might be applied to other contexts:

'there is serious merit in considering the 'Welsh model' equality duty as a potential legal framework for all of the UK. This approach has a series of significant benefits: it requires government to be proactive in equality matters and it gives citizens legally enforceable rights in relation to elected representatives actions thereby empowering citizens vis-a-vis the state. It also offers a holistic approach to the promotion of equality. It does not privilege specific groups, pitting the gender, race and disabilities agendas one against the other. Finally, a holistic equality agenda is compatible with the model of joined-up government being espoused by the executive in Westminster. The Welsh model is therefore politically empowering for citizens and ideologically aligned with [UK] government thinking'.

In summary, gender equality activists have successfully used the opportunities presented by constitutional change. Arguably, the new gender settlement may be seen as the most significant impact of Welsh devolution to date. The experience of the Assembly's first term provides clear empirical evidence of discontinuity with the former, pre-devolution mode of politics – and supports for the principal theoretical arguments for gender equality in contemporary politics. The experience of the past four years shows that constitutional change has already had a significant and positive impact on the role of women in politics, increased the legal rights afforded to citizens and advanced the promotion of equality of opportunity.

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¹ *trans.* 'Fair Play', a state-sponsored organisation to promote gender equality in enterprise and the labour market

² Parliament for Wales Campaign Democracy Conference Programme 5-6 March 1994, unpaginated

³ See S. Fredman (2000) Equality: A New Generation?, *Industrial Law Journal*, 30, 145- 168.

⁴ Government of Wales Act 1998, s.120

⁵ Interview with the author, May 1999.

⁶ See Feld, V. (2000) A New Start in Wales: How Devolution is Making a Difference, in Coote, A. (ed) *New Gender Agenda*, London, IPPR.

⁷ International Parliamentary Union (2000). *International Classification of Parliaments*, <http://www.ipu.org/wmn-e/classif.htm>

⁸ Edwards, 2000

⁹ See National Assembly Standing Orders 5.2 (2002) 'Motions under paragraph 5.1 shall be tabled having regard to any advice offered by the Business Committee under paragraph 13.1(i). Wherever possible, motions shall be framed having regard to the family and constituency or electoral region responsibilities of Members, and their likely travel arrangements; and in any event shall seek to avoid programming business before 9.00am or after 5.30pm on any working day'.

¹⁰ Office of the Presiding Officer of the National Assembly for Wales (1999) *Protocol On Conduct In The Chamber / Presiding Officer's Protocol on Conduct in Chamber / Rules of Debate, Key Principles*.

¹¹ Randerson, J. (2000) Debate to mark International Women's Day, *The Official Record*, 8 March. Cardiff: NAW.

¹² A Welsh Office report reveals that 28 per cent of public appointments under the Welsh Office were filled by women, and 0.6 per cent of public appointments were filled by people from an ethnic minority background (Welsh Office, 1999: chpt 2. table 2.02).

¹³ although the difference is not statistically significant.