

Executive Summary

This submission draws on research conducted into the international activities of the Welsh Government since 1999, that focused on four policy domains: international cultural relations, trade and inward investment, international sustainable development (Wales for Africa) and climate change activity. By evaluating the implications of the research for understanding key features of Wales' current engagement with the European Union associated with these policy domains¹, the submission makes recommendations regarding the type of formal relationships and continued engagement that Wales can potentially forge with the European Union and its institutions after the UK's withdrawal from the EU.

1.1 Key Recommendations

For the UK Government

- It is essential that mechanisms to enable the Welsh Government and the devolved administrations to engage with and influence the UK's formal diplomatic relations with the EU and its institutions after Brexit reflect the current arrangements;
- That formal mechanisms to enable the Welsh Government and the devolved administrations more broadly to influence the UK's formal negotiating positions with the EU and its institutions after Brexit closely replicate the current arrangements to formally influence the UK's negotiating positions;
- That whatever diplomatic status and accreditation afforded to UK Government officials as part of a 'third country' status continues to be extended to Welsh Government (and other devolved administrations) officials;
- Ensuring appropriate arrangements for continuing the close joint working between Welsh Government and UKRep officials in Brussels on matters that affect devolved issues;

¹ This research was published in different articles, in particular,

Royles, E. (2016). 'Substate Diplomacy, Culture, and Wales: Investigating a Historical Institutional Approach' *Publius: The Journal of Federalism*, Volume 46, Issue 2, <https://doi.org/10.1093/publius/pjv053>

Royles, E. (2017) 'Sub-state diplomacy: Understanding the International Opportunity Structures', *Regional and Federal Studies*, Volume 27, Issue 4, 393-416.

<http://dx.doi.org/10.1080/13597566.2017.1324851>

- Ensuring that arrangements allow for Welsh Government officials to contribute to any formal meetings as representatives of the UK;
- That accreditation and formal arrangements for the three UK devolved administrations as part of the UK's 'third country' status is the same for all cases;
- Overall, to investigate greater formalisation of the mechanisms to enable the devolved administrations to influence the UK's formal diplomatic and negotiating positions and any engagement with the EU and its institutions after Brexit and placing them on a statutory footing;
- That the UK Government is encouraged to recognise the high levels of trust and inclusive working between the Welsh Government Brussels office and UKRep and take greater account of these working relationships as the FCO works to develop the UK's diplomatic presence in Europe post-Brexit;
- That the UK Government takes into account the Welsh Government's expanding network of offices in Europe that are co-located in UK consulates and embassies as part of the UK's diplomatic presence in Europe in the planning for the post-Brexit period.

For the Welsh Government:

- That the Welsh Government continues and expands its bilateral engagement with state offices and with sub-state governments in Europe;
- That the Welsh Government continues to expand its membership and activity in EU inter-regional networks and other European networks;
- That the Welsh Government gives greater attention to the role of Welsh international cultural relations / soft diplomacy activity in Brussels to maintain its distinctive profile and to support other functional objectives of enhancing relations with other interests and stakeholders in Brussels.

1.2 The lack of clarity regarding the exact nature of the UK's future relationship with the European Union continues with preparations taking place for the UK to operate as a 'third country'. This requires developing the capacity to influence EU Member States and EU institutions in the absence of the automatic and regularised access associated with EU membership. It is consequently somewhat difficult to assess the specifics of the implications of the UK's future relationship with the EU for Wales. We note that 'The future of UK diplomacy in Europe' House of Commons Foreign Affairs Committee (HC514, January 2018) made no reference to the devolved administrations in the UK's diplomacy in the EU.

1.3 In practice, research demonstrates that the arrangements for the devolved administrations to engage with the UK in the EU context 1999-2017 have been well developed as evidenced by Jeffery and Palmer's assertion in 2003 that:

There is certainly a stronger sense in the UK than in other regionalised member states that the FCO sees the devolved administrations as part of the same 'team' in EU affairs, as captured especially vividly in the rhetoric of the 'UKREP family' of UK-level and devolved representations in Brussels. (2003, 226)

This is further supported by the way in which the full accreditation of sub-state officials is only extended in the Belgian and UK cases and is also seen as an effective way of ensuring that sub-state governments align with a 'member state' line (Tatham 2013: 66). This illustrates the value of extending such accreditation to devolved administration officials in any 'third country' status arrangement for the UK.

Based on this precedence, it is essential that mechanisms to enable the Welsh Government and the devolved administrations to engage with and influence the UK's formal diplomatic relations with the EU and its institutions after Brexit closely replicate the current arrangements, with efforts made to enhance them further. We therefore recommend arrangements to be put in place for the following practices to continue:

-Formalised inter-governmental structures to enable the devolved administrations to influence the formation of the UK's negotiating positions on issues affecting devolved competences;

- That whatever diplomatic status and accreditation afforded to UK Government officials as part of a 'third country' status continues to be extended to Welsh Government officials.
- Close working between Welsh Government and UKRep officials in Brussels on devolved issues;
- Arrangements for the contribution of Welsh Government officials to any formal meetings as representatives of the UK.
- That accreditation and formal arrangements for the three UK devolved administrations as part of the UK's 'third country' status is the same for all cases.

1.4 Research into Welsh engagement in the EU identified that the arrangements for Wales to influence and contribute to the UK's formal engagement with the European Union institutions decision-making processes has developed and matured since 1999. Wales' regular contact and good working relations with UKRep has resulted in a relationship of trust and inclusive working. Consequently, Welsh officials regularly attended formal EU meetings as representatives of the UK and advocated the UK line (particularly in fields such as education and culture). Such involvement allowed Welsh officials to be aware of further opportunities to

represent the UK on EU-level committees, including the Council of Ministers and Open Method of Coordination working groups. Such opportunities heightened awareness of policy initiatives, partnerships or potential funding and promote Welsh activity. Such examples illustrate that it is vital that this type of joint working continues between the UK Government and devolved administration representatives whatever structure is established for the UK as a 'third country'.

1.5 As with other aspects of inter-governmental relations, sub-state involvement in the EU context has no legal or constitutional foundation and is provided by the Concordat on Co-ordination of European Union Policy Issues. We recommend that the possibility of strengthening the formalisation of the position of the devolved administrations be investigated, including by placing them on a statutory footing to build on and provide a stronger basis for existing good working relations between UKRep and the Welsh Government Brussels office.

1.6 In addition to the formal channels for the Welsh Government to influence UK decision-making, the existence and activities of the Welsh Government Brussels Office has been important in other ways. Whilst informal working with key European institutions (e.g. European Commission and with MEPs) will be significantly reduced post-Brexit, activities emanating from the wide-ranging involvement of officials in formal and informal inter-regional networks and relations with other state offices and with other organisation and agencies could increase in importance.

The presence of Welsh sub-state actors in Brussels in response to the EU's increasing recognition of regions from the mid-1980s onwards, particularly by opening a centre in Brussels in 1992, illustrates that profile-raising, networking and working through informal channels is a long-standing feature of Welsh activity in Brussels.

1.7 The likely 'external lobbyist' position of Welsh interests in a UK 'third country' status scenario is likely to benefit from the following:

- Current involvement in formal and informal networks has resulted in nurturing bilateral relations with other state offices, e.g. Estonia and with strong sub-state governments such as Flanders who have high levels of influence on the Belgian member state position. Continuing to nurture such bilateral connections could provide useful avenues to influence their respective EU Member State positions post-Brexit.
- There is strong evidence of the benefits to Wales from membership of inter-regional and European networks, including in sharing best practice, learning and generating opportunities for participation in projects and accessing funding. It is encouraging to see that the Welsh Government has already started to extend its involvement and to be proactive in networks in order to strengthen European links in preparation for the period after the UK's withdrawal from the EU. Whilst involvement in networks requires a commitment of time and resource, Wales

could build on its experience of their benefits serving as spaces to create coalitions between disparate interests and to empower sub-states.

- Culture has featured strongly in the work of the Welsh Brussels office since the Wales Brussels week events around St. David's Day held from the early 1990s onwards. In addition to participation in EU-funded arts and creative industries programmes and larger networks that have enhanced Welsh European and international cultural relations work, it has nurtured connections with cultural organisations and agencies that has provided a strong basis for partnerships as a vehicle for cultural events. A strong basis is therefore in place to strengthen the role of international cultural relations / soft diplomacy activity of the Welsh Government in Brussels to maintain its distinctive profile and to support other functional objectives of enhancing relations with other interests and stakeholders in Brussels.

1.8 This submission has outlined ways in which the current formal and informal channels of representing Wales' interests in the EU context establish a precedence to take into account and to build upon in developing the formal relationships and continued engagement of Wales with the European Union and its institutions after the UK's withdrawal from the EU. The House of Commons Foreign Affairs Committee report referred to above highlighted the need to increase the UK's diplomatic presence in Europe, in Brussels, Paris and Berlin in order to assist the FCO to respond to what is anticipated will be the increased demands in seeking to influence the EU institutions and developing effective diplomatic relationships with the EU Member States.

In many respects, building on the high levels of trust and inclusive working already in place between the Welsh Government Brussels office and UKRep,

the type of measures outlined in this submission of benefit to Welsh interests in engagement with the EU post-Brexit could also serve as additional avenues to support UK positioning as a third country as the UK works to increase the UK's diplomatic presence in Europe. This deserves to be incorporated into UK Government planning, particularly within the FCO.

1.9 It is important to highlight that the same benefits of joint working in Brussels may also be present more widely. It could be replicated and expanded in the context of the FCO European network across EU Member States as the Welsh Government similarly expands its network of offices in Europe, with new offices planned for instance in France and Germany. The common practice now for Welsh Government offices to be co-located in UK consulates and embassies. This arrangement can further enhance the opportunities for joint working and leading to benefits in recognising the devolved administrations as partners in the UK's diplomatic presence in Europe after Brexit.

References

Jeffery, Charlie, and Rosanne Palmer. 2003. Stepping (softly) onto the International Stage: The external relations of Scotland and Wales. In *External Relations of Regions in Europe and the World*, ed. R. Hrbek. Nomos: Verlagsgesellschaft.

Tatham, M. (2013). Paradiplomats against the state: Explaining conflict in state and sub-state interest representation in Brussels, *Comparative Political Studies* 46(1), 63-94.