Climate change policy, multi-level governance and inter-governmental relations in a devolved UK

Elin Royles and Nicola McEwen

Dr Elin Royles, Institute of Welsh Politics, Department of International Politics, Aberystwyth University, Wales. Email: ear@aber.ac.uk

Dr Nicola McEwen, School of Social and Political Science, University of Edinburgh, Scotland. Email: n.mcewen@ed.ac.uk

Abstract
Sub-state national and regional governments are increasingly active in policies to mitigate climate change, yet scholarship is only now beginning to emerge to examine this area of policy action at the regional scale. This paper contributes to generating understanding by examining climate policy action in Scotland and Wales. The politics of climate change has climbed up the political agenda since devolution in 1999, and the Scottish and Welsh governments have in recent years been at the forefront of climate policy innovation, especially the drive to expand renewable energy. Both contend that their action to combat climate change is 'world leading'. And yet, as devolved administrations, the Scottish and Welsh governments lack the powers available to nation-states to act in this sphere. Moreover, climate policy is explicitly multi-level, and within Europe, the EU increasingly sets the parameters within which member state and regional governments operate. This paper considers and compares the capacities and constraints facing the Scottish and Welsh governments in pursuing their climate ambitions, and their capacity to influence other actors and institutions through intergovernmental engagement.

Introduction

Although nation-state governments remain the main legal authority in climate policy governance, tackling climate change is now firmly a multi-level endeavour, involving a diverse range of actors from the local to the global scale. In recent years, sub-state governments have emerged as significant players in climate policy-making, contributing to 'climate governance experiments' (Hoffman, 2011), the 'laboratories of climate change policy experimentation' (Jörgensen, 2012a), and in some cases acting as 'climate pioneers' (McEwen and Bomberg, 2013). Sub-state governments are increasingly recognised as a key level of action due to their scale and range of competences (Van den Brande et al., 2012). Their climate change action as ‘subnational’ governments in implementing international commitments received formal recognition in ‘Future We Want’, the UN Rio 20+ Summit document in 2012. Whilst attention to climate policy action at the sub-state level is most developed in the United States (e.g. Rabe, 2007, 2008, 2011; Engel, 2009; Burke and Ferguson, 2010), scholarship is only now beginning to emerge to examine this area of policy action at the sub-state level in the EU (e.g. Jörgensen, 2012b; Happaerts, 2012; Galarraga et al., 2011; McEwen and Bomberg, 2013).

Yet, while many sub-state governments have increased their political authority - that is, their degree of ‘self-rule’ and ‘shared rule’ - over recent decades (Hooghe, et al., 2010), their limited powers means
that they lack the scope for action enjoyed by 'national' governments. As a result, they have to negotiate their autonomy within the intergovernmental arena. Indeed, we would concur with Agranoff’s assertion that, as a consequence of the inherent constraints and delegated nature of power in devolved states, meaningful autonomy can only be fully exercised where there are effective ‘working connections’ between the central government and ‘those constituent units that enjoy measures of independent and inter-dependent political power, governmental control and decision-making’ (Agranoff, 2004: 26). We explore the degree of independence and interdependence confronting sub-state governments committed to climate action. We pose two research questions: (i) what scope for autonomous action do sub-state governments pursuing ambitious policy goals possess? And (ii) what capacity for influence do they enjoy within the intergovernmental arena?

In addressing these questions, we conduct a comparative study of Scotland and Wales, two nations with contrasting degrees of devolved power in the United Kingdom. Since the establishment of Scottish and Welsh devolution in 1999, the politics of climate change has climbed up the political agenda in both cases. This reflects an increasing awareness of the threats and risks of climate change on the global agenda, but also the opportunities for action that successive Scottish and Welsh administrations have created and seized. In recent years, in particular, both administrations have pursued ambitious climate policy goals which place them at the forefront of climate policy innovation in the UK and beyond. This has included bold targets and action to reduce greenhouse gas emissions, action to promote sustainable development at home and in the developing world, and, especially in Scotland, policies intended to transform the energy sector towards low carbon and renewable generation and consumption. The Scottish and Welsh administrations have each frequently contended that their action to combat climate change is 'world leading' (see, for example, NAFW, 2013a; Scottish Government, 2008). Yet, the activities of these devolved administrations have received little consideration in the literature on climate action in the UK (e.g. Carter, 2008; Lovell et al., 2009; Bowen and Rydge, 2011), while few scholars of devolution have recognized the growing significance of climate change and energy policy for sub-state governance and intergovernmental relations.¹

This paper contributes to the literature by examining the capacity for action enjoyed by the Scottish and Welsh administrations, and the extent to which that action is shaped by – and shapes – decision-making at other levels. To address our first research question, we compare their relative scope for autonomous policy action in the climate sphere. We use four measures of capacity – constitutional powers; natural resources; civil society networks; and political strength/legitimacy. Our second research question demands an analysis of how these administrations negotiate their autonomy and exercise influence within the intergovernmental arena.

We pay particular attention to the relations between the devolved administrations and the UK government, especially the Department of Energy and Climate Change (DECC). However, in assessing the relative capacity for action and influence of the Welsh and Scottish administrations in climate change policy, we also recognise the broader multi-level nature of climate change and the challenges, constraints and opportunities created for sub-state governments by the decisions and priorities of higher level governments beyond the nation-state. In particular, the EU increasingly sets the parameters within which member state and sub-state governments operate. The paper will therefore explore Welsh and Scottish para-diplomatic engagement, especially their engagement with the EU and with other sub-state and 'national' governments, including within multilateral forums such as the Climate Group and the Network of Regional Governments for Sustainable Development (nrg4SD). We suggest that the dynamics of intra-state intergovernmental relations also influence the strategies and actions devolved governments pursue beyond the nation-state.

¹ On devolution and renewable energy see Cowell et al., 2013.
The empirical evidence presented in the paper is drawn from a mixture of an analysis of climate policy, documentary evidence (ministerial speeches, government programmes, parliamentary debates) and 49 interviews with politicians, officials and actors within the policy community. The first section outlines the framework for the paper. The second section provides a descriptive account of the climate change and low carbon energy programmes of the Scottish and Welsh governments, within the context of the UK Government's climate policy action. In so doing, we draw attention to the explicitly multi-level character and intergovernmental dimensions of climate change in the UK. The third section then provides a comparative analysis of Scotland and Wales' capacity for action in their climate agendas. The fourth section examines the intergovernmental dimension, giving particular attention to the level of influence that each devolved administration has in its interaction with the UK Government. The paper concludes by evaluating the broader significance of its findings for understanding the opportunities and constraints of sub-state action in the arenas of climate policy.

**Autonomy and Interdependence in a Multi-level Arena**

In the EU, as elsewhere, climate change policy especially with regard to climate change mitigation operates within an explicitly multi-level policy arena, implicating supranational institutions as well as member state, regional and municipal governments. Governments at all scales thus have constraints on their political autonomy and must work with other governments and institutions within and beyond the nation-state. Notwithstanding the emergence of sub-state governmental action in this field, governments at this scale may face particular limits on their scope for action as a result of the parameters set by higher level governments.

What capacity, then, do sub-state national and regional governments have to pursue autonomous climate policy goals? We define the political autonomy of a governmental organization as the scope or ‘discretion’ it has over decision-making within a policy domain – the extent to which it can reach decisions independently of other governmental levels. This discretion to make decisions independently is the basis and extent of power and influence, such that maximizing power is a matter of retaining as much discretion as possible (Barnes, 1986; Rhodes, 1999: 26-7). We use four measures to identify the capacity for action. In so doing, we draw heavily from the framework developed by McEwen and Bomberg (2013).

First, the *constitutional division and allocation of powers* represents a clear source of decision-making autonomy. The larger the constitutional and fiscal resources of regional governments and the stronger their constitutional entrenchment (i.e. the more difficult it is to alter their constitutional and fiscal resources without their explicit consent – individually or collectively), the greater will be the capacity of regional governments to engage in autonomous policy-making and to shape the policy agenda at higher levels. The level of constitutional autonomy enjoyed by sub-state governments in the climate sphere varies significantly (Hooghe, *et al.*, 2008). German länder or the Belgian Gewesten/Régions have significant implementing and/or regulatory authority in environmental policy whereas the Italian Regioni or French Régions and Départements are more constrained. Federal state structures which divide sovereignty between the federal/national government and the territorial units, and which often have higher levels of ‘shared rule’, may provide sub-state governments with greater decision-making autonomy and greater influence at the central level through their ability to act as institutional ‘veto players’ (Tsebelis, 2002; Bollelyer *et al.*, forthcoming). By contrast, regional governments without constitutionally protected autonomy operate under a ‘shadow of hierarchy’ (Héritier and Lehmkuhl, 2008; Swenden and McEwen, forthcoming). Lacking sovereign jurisdiction, they are less able to overcome a conflict of interest with the central level, and may be obliged to comply with 'national' decisions or frameworks, or voluntary converge with 'national' policy frameworks to avoid the threat of hierarchical retaliation.
Second, in this sphere in particular, natural resources can enhance constitutional powers, especially in relation to energy policy. In an era when security of energy supply is a key concern for many established nation-states, sub-state nations and regions which have large deposits of fossil fuels, or land and climate that lend themselves to renewable energy generation, may have greater scope for autonomy and influence in the intergovernmental arena. This may especially be the case if a region enjoys a disproportionate share of the natural resources within a state, and the political commitment to exploiting them. Natural resource strength can also provide the economic motivation for low carbon policy innovation. Cross-national comparative research has highlighted an economic driver and desire to exploit comparative advantage among those nations and regions at the forefront of climate action (Börzel, 2002; Jänicke, 2005; Rabe, 2011; McEwen and Bomberg, 2013).

Third, civil society networks, support and expertise can enhance the capacity for action, by reinforcing the expertise and potential for innovation within the policy-making community, as well as helping to generate the consent that can drive climate action. This support can come from a wide range of civil society actors including industry, labour unions, academic and technical experts and NGOs. Advice from experts can help governments to design and set policy goals, while NGOs and environmental activists can help to generate political and public support for action (Liefferink, et al., 2009; Lenschow, et al., 2005). Sub-state nations and regions with a strong sense of collective identity and solidarity often enjoy particular benefits from more cohesive policy networks and links between government and key actors within wider civil society, fostering mutual trust and common goals (Keating et al., 2009; Rhodes, 1996: 169).

Finally, the capacity for climate action may be influenced by a variety of less tangible political factors, including leadership and political legitimacy. Regional governments can draw upon perceptions of their democratic legitimacy and their role in defending and promoting their regions’ territorial interests to pursue particular policy goals. Majority governments have a greater capacity for action by virtue of their parliamentary strength, while political acumen and the force of personality, can help sub-state leaders gain concessions within the intergovernmental arena. The party political composition of governments may also shape the capacity for autonomy and influence. Where governments at different scales are led by the same party, there may be pressure to converge in policy development, potentially limiting the scope for regional policy innovation. Party incongruence, by contrast, poses no such constraints, and indeed, may signal ideological divergence which makes policy divergence and a desire for policy distinctiveness more likely. The capacity, and the will, for autonomous policy development can be shaped by other political factors too. Multi-level states often have a territorial dimension to politics, and that is certainly the case in the UK. In such cases, the politics of territorial identity and nationalism can also push sub-state governments to push the boundaries of their constitutional autonomy and strive for distinctiveness. The threat of rising nationalist feeling, meanwhile, can push central governments to grant concessions to sub-state demands, thus reinforcing the latter’s discretion for policy action, and their capacity to exert influence at the centre.

These distinctive dimensions of autonomy and capacity for action can be expected to shape the extent to which sub-state nations and regions may be able to exert influence within the intergovernmental arena. Regions with greater constitutional power are less dependent upon the policy decisions of the state level, but may also feel more empowered to shape state-level decisions where they do impact upon the regional sphere. Regions with greater energy resources and development can also enjoy enhanced capacity to gain concessions within the intergovernmental arena, irrespective of their constitutional capacity, especially if the state level is dependent on the exploitation of these resources, for example, for energy supply or to help them meet international climate obligations. Third, though regions usually have less bureaucratic capacity to shape policy and so can be dependent upon the expertise and innovation at the 'national' scale, that dependence can be mitigated by a cohesive policy network at the regional scale. The political variables highlighted above can help or hinder a sub-state
government’s ability to gain access to and influence within central government. For example, in conditions of party political congruence, the channels of communication and mutual trust between ministers and civil servants may be more open than when governments are led by opposing political parties. Conversely, the threat of a nationalist challenge to the structure of the state, or the political legitimacy derived from electoral strength, can help a sub-state government to be more influential in intergovernmental relations.

Applying this framework to our case studies, since both Scotland and Wales are part of the same devolved state, they would both be similarly affected by the lack of entrenched sovereignty and institutional veto points enjoyed by sub-state units within federal states. UK devolution, however, is characterized by a high degree of asymmetry. Notwithstanding the significant changes that have taken place to strengthen the autonomy of the National Assembly for Wales since the establishment of devolution in 1999, the Scottish Parliament continues to enjoy greater constitutional autonomy than its Welsh counterpart, including in the portfolios most implicated in climate policy (see below). Thus, if greater constitutional power coincides with greater capacity for influence, we would expect Scotland to be more influential. Both Scotland and Wales arguably have abundant natural resources to bolster their capacity to pursue ambitious low carbon energy goals. However, Scotland is also in a position of advantage given the extent to which this potential has been realized in installed renewable energy capacity, especially offshore wind. As the geographical base of the vast majority of the UK’s oil and gas reserves, it may also benefit from a strategic advantage. Both Scotland and Wales demonstrate high degrees of solidarity, but Scotland has a stronger civil society and set of policy networks to draw upon to enhance its policy-making capacity and potentially capacity for independence from, and influence upon, the state level. Given all of this, we would thus expect Scotland to demonstrate greater scope for autonomous climate policy and greater capacity for influence within the intergovernmental arena.

The effect of the political variables highlighted above is more complex. This first eight years of devolution was characterized by party political congruence, given the dominance of the Labour Party across mainland Britain (see McEwen, et al., 2012). However, by 2007 in Scotland and 2010 in Wales (after the election of the UK coalition government), this had given way to total incongruence in the political composition of devolved and central governments. We might expect that this would diminish the capacity for influence of both the Scottish and Welsh administrations. An additional feature of party political incongruence is the presence and relative strength of sub-state nationalist parties in Scotland and Wales. In Wales, Plaid Cymru, a pro-self government party, was the junior partner in a grand coalition in Wales between 2007 and 2011, and used its position to work towards the 2011 referendum which introduced a stronger system of devolution in Wales. Although Plaid suffered heavy losses in 2011, the more dominant Wales Labour Party continues to pursue enhanced powers, and further constitutional reforms remain firmly on the agenda. In Scotland, the pro-independence Scottish National Party was first elected as a minority government in 2007 and re-elected with a majority in 2011, giving it a mandate to hold a referendum on Scottish independence in September 2014. We explore how these party political dynamics shape the respective capacity of the Scottish and Welsh administrations to exert influence within the intergovernmental arena within the sphere of climate policy.

Before applying these measures to assess the capacity for policy action and intergovernmental influence in climate policy in Scotland and Wales, we first set out the policy context in these nations, as well as in the UK as a whole.
Energy and climate change mitigation in a multi-level UK

In the United States, climate action among states has emerged in part in response to the intransigence or inability of the federal government to impose measures to mitigate climate change (Engels, 2009; Rabe, 2011). Such a dynamic does not underlie climate action in Scotland and Wales. The UK Government has long developed policies to tackle greenhouse gas emissions and has been proactive internationally, leading some to point to its 'international leadership on climate change' (Lovell, et al., 2009: 95). With the passing of the Labour government’s Climate Change Act 2008, the UK became one of the first nation-states to have introduced a statutory target to reduce greenhouse gas emissions by 34% by 2020 and by 80% by 2050 against a 1990 baseline. This includes a system of carbon budgets which set legally binding emissions caps over five-year periods up to 2027 (Bowen and Rydge, 2011: 11). Prior to this, successive governments had faced criticism for their complacency (O'Riordan and Robowtham, 1996; Carter, 2008), and questions remain about the current government’s preparedness and will to meet the ambitious targets in the longer term. Indeed, some policy shifts have become apparent since the Conservative-Liberal Democrat coalition came into government in 2010. The first is a shift towards a greater market-based approach, including the UK-wide 'Green Deal' to promote domestic energy efficiency improvements through private sector funding, and the Green Investment Bank combining public and private capital to promote green infrastructure investment. Reform of the electricity market, which is aimed at providing secure, affordable, low carbon energy, reinforces the dominance of a liberalized energy market in a system of contracts and pricing for low carbon energy generators (Feed-in-Tariffs with Contracts for Difference [FiT CfD]). Second, the government has given clear signals that nuclear energy is central to its low carbon ambitions. Since 2011, the UK Government has outlined eight nuclear power sites to be developed in England and Wales and approved the building of over 30 new gas-fired power stations to replace the UK's ageing coal, nuclear and gas stations. In addition, there is significant support – in strategic policy direction and in subsides - for shale gas production. And, although the UK government remains committed to meeting its current 2020 EU obligations in emissions reductions, it was reported to be reluctant to embrace new targets for the ensuing decade.

Climate action in Scotland has developed alongside UK action. The Scottish Government and the other devolved administrations were signatory partners to an agreement accompanying the Climate Change Act. The Scottish and UK governments are often partners in pushing for more ambitious emissions reduction policies within the EU and internationally. Yet, successive Scottish administrations have carved out distinctive and increasingly ambitious platforms of their own. In the first eight years of devolution, although the Scottish Labour-Liberal Democrat coalition’s energy and climate change programmes were broadly aligned to UK programmes and firmly embedded within them (Scottish Executive, 2006; UK Government, 2006), in 2006, the Scottish programme identified both an equitable contribution to UK emissions reduction targets (‘the Scottish share’) and a ‘Scottish target’ which would exceed the Scottish share by a million tonnes of carbon (Scottish Executive, 2006). The ambition to exceed UK targets was even more evident following the election of the Scottish National Party (SNP) in 2007. The Climate Change (Scotland) Act (2009), passed unanimously by the Scottish Parliament, imposed a statutory obligation on the Scottish government to reduce all greenhouse gas emissions by 42% by 2020 and 80% by 2050. The Scottish Act is wider-ranging, more precise and more ambitious than either the preceding Scottish Executive programmes or the UK Climate Change

---

2 The devolved government in Scotland was formally known as ‘the Scottish Executive’ until the Scotland Act (2012) gave formal recognition to its new name ‘the Scottish Government’ which had been commonly used since the mid 2000s, and officially part of a rebranding following the 2007 election. We use the formal name, Scottish Executive, when referring to the pre 2007 period, and Scottish government thereafter.

3 The baseline is 1990 for CO$_2$ but 1995 for some other greenhouse gases. The 42% target was reached in the final stage of the legislative process, following pressure from environmental groups and a game of political one-upmanship with the opposition Labour Party.
Act (2008). While the mandatory targets for reducing greenhouse gas emissions are the Scottish Act’s central feature, it provides a legislative framework to regulate the activities of government, the private sector and individuals and covers a vast array of devolved policies, including forestry, land use, the promotion of energy efficiency, waste reduction and recycling, as well as provisions for adapting to climate change. For the SNP government, as for its predecessors, the promotion of renewable energy has been a key component of the climate change programme. There is little doubt that Scotland has become a front-runner in renewable energy, hosting 40% of the UK’s renewable capacity and generation in 2011, including almost half of the UK’s onshore wind (CCC, 2013b). The Scottish Government has set a target of sourcing 100% of Scotland’s domestic electricity consumption from renewable sources by 2020, and made considerable efforts to promote skills training, manufacturing, research and investment in marine energy, with the stated aim of becoming the ‘green capital of Europe’.

The Welsh Government, too, has expressed ambitions for Wales to become a ‘low carbon, green economy’ (WG, 2011: 3) and ‘global centre for energy’ (WG, 2012a: 5), and arguably embraced sustainable development goals ahead of the UK’s other governments. By 2004, climate change was viewed as the ‘greatest international sustainable development challenge’ (WAG 2004: 9), but the most concerted activity began in 2007 after the election of the Labour-Plaid Cymru coalition. Its programme for government (‘One Wales’) included a non-binding target of ‘annual carbon reduction-equivalent emission reductions of 3% per year from 2011 in areas of devolved competence’ (WAG 2007, p. 31). It committed to at least 40% reduction in all emissions in Wales by 2020 on a 1990 baseline, and the 3% includes all GHG emissions and direct emissions except for those from heavy industries and power generation covered by the EU ETS (WAG, 2010a: 34). There is no specific allocation of the UK carbon budgets for Wales and realising the 3% annual reduction target has been viewed as equating to Wales’ share. Set in the context of the Sustainable Development Scheme, the Climate Change Strategy and its related delivery plans outlined emission reductions targets on a sector-by-sector basis and emphasized cross-sectoral policies. It includes specific programmes for instance on energy efficiency and the waste strategy and targets contribute to UK requirements under the EU Landfill Directive. Different policy, regulatory and legislative tools at the EU and UK levels directly contribute to realising the 3% target. The strategy anticipated that 40% of the target would be met by EU and UK measures in Wales, 30% by specific Welsh Government policies, and the other 30% through a wider sectoral contribution.

On the energy side, the 2010 Energy Policy Statement outlined the aim of doubling Wales’ renewable and low carbon energy generation by 2025 and established aims for different energy sectors. By 2050, almost all of Wales’ local energy needs are to be met by low carbon electricity production. Community renewable energy projects and micro-generation has received particular attention (WAG 2010c). The Welsh Government has also attempted to provide leadership through supporting businesses, improving the planning and energy consenting systems and working closely with relevant UK-level bodies (WG, 2012a). There is increasing awareness of maximizing the economic benefits of low carbon energy production. Its economic strategy, Economic Renewal: A new direction, led to a Green Jobs Strategy (WAG, 2010b). Energy and the Environment were one of the nine key sectors for industry-led investment and work has sought to identify the highest coefficients of employment through different low carbon energy generation and energy efficiency initiatives.

A final aim is developing Wales’ international involvement, through networks such as nrg4SD (network of regional governments for sustainable development) and the Climate Group. The Wales for Africa programme includes climate change adaptation support work: a UNDP project with Uganda’s Mbale region (part-funded by the UK Department for International Development, DFID) and a Climate Change Partnership with Lesotho.
The Capacity for Climate Action in Scotland and Wales

There is no doubt that climate change and energy policy has become increasingly important on the agenda of the Scottish and Welsh governments in recent years. Yet, as devolved governments with limited powers, their scope for action is more constrained than is the case for the UK government. To explore their capacity for action, we return to the four dimensions of autonomy discussed above.

Constitutional Power

In developing an index of regional authority, Hooghe et al. categorized Scotland and Wales as special autonomous regions (2008), but distinct differences between them are very apparent when considering the policy competencies associated with climate change and energy. First, the Scottish Parliament can legislate on all matters except those which are explicitly listed as ‘reserved matters’ in the Scotland Act (1998), the founding legislation of the Scottish Parliament. For Wales, drawing on the pre-1999 arrangements, a conferred powers model specifies the subjects devolved to the Assembly thus creating more limitations, exceptions and added complications. Second, in contrast to the relative stability of Scotland’s arrangements between 1999 and 2011, three different constitutional arrangements were enacted for Wales. Initially, the UK Government retained primary legislative powers and secondary legislative powers were devolved in eighteen areas under the Government of Wales Act 1998. Currently, under Part IV of the Government of Wales Act 2006 the National Assembly for Wales has primary legislative powers in twenty areas.

Under the terms of the devolution settlement, Scotland enjoys full legislative and administrative competence in a wide range of areas related to climate policy, including housing, planning regulations, transport, waste management, environment, rural affairs, land use and the promotion of renewable energy and energy efficiency. The reserved model was also invoked to justify separate Scottish climate change legislation: since climate change wasn’t specifically classed as a reserved matter, by default it could be regarded as a devolved competence. Scottish autonomy is further enhanced by powers that have been executively devolved. These include the power, derived from the 1989 Electricity (Scotland) Act, to grant or withhold planning consent for the construction of overhead transmission lines and new generating stations. The Scottish Government also has its own Renewables Obligation, the principal mechanism for promoting industry investment in renewable energy throughout the UK. It works in tandem with the RO in the rest of the UK, but has given the Scottish government the scope to encourage investment in priority areas, most notably wave and tidal generation. This latter power will be phased out when Electricity Market Reform is implemented, as the new system of contracts will apply on a GB-wide basis.4

Wales, too, enjoys legislative and administrative powers in the climate arena, but these are more constrained. For Wales, the enabling power has been the statutory sustainable development duty. Reflecting the 1998 Act, the 2006 Act places a legal duty on Welsh Ministers to develop a scheme outlining how they intend to promote sustainable development across government functions. The duty’s ‘uniqueness’ provided a springboard for action and has been cited as promoting international engagement, and placing a responsibility on Wales to play a leadership role on climate change (WAG, 2010a: 18). Secondly, rather than viewing climate change through a purely environmental lens, it has developed cross-cutting policies that aim to strengthen economic well-being, the environment and address social issues. In the post-2007 context, sustainable development was to be the ‘central organising principle’ of government. Despite the implementation challenges, it provided a basis for a cross-government approach to climate action. Wales doesn’t have separate climate change legislation,

4 The Renewables Obligation requires licensed electricity suppliers to source a specific and annually increasing percentage of the electricity they supply from renewable sources. UK Electricity Market Reform will see the RO replaced by a system of Feed-in-Tariffs with a Contract for Difference.
but some executive powers in non-devolved areas were extended to Welsh Ministers in the UK Climate Change Act 2008, including giving Ministers powers to support climate change adaptation, on trading schemes in devolved matters and to purchase of offset credits (WAG 2010a). In addition, Section 1 of the Climate Change Act 2008 places a duty on ministers in all the devolved administrations 'to combat climate change and to have regard to the desirability of alleviating fuel poverty, and the desirability of securing a diverse and viable long-term energy supply.' The act also establishes other areas where the devolved administrations should be consulted, for instance carbon targets and budgeting.

Significant constitutional constraints face both Scotland and Wales, especially in relation to energy policy. The Scotland Act (1998) reserved to Westminster most areas of energy competence, including the generation, transmission, distribution and supply of electricity, the ownership, exploration and exploitation of deposits of oil and natural gas, the ownership and exploitation of coal, and nuclear energy and nuclear installations. It is the UK government which therefore sets the policy framework for energy, and the UK regulator, Ofgem, which oversees the energy market. In addition, The Crown Estate, which manages the property owned by ‘the Crown’, has responsibility for the sea bed up to 12 nautical miles from the shoreline – the area which would provide the sites for new marine energy developments. The Scottish and Welsh governments are thus dependent upon the willingness of the Crown Estate to lease sites for offshore wave and tidal generation (McEwen, 2013).

Both devolved administrations have comparatively low levels of fiscal autonomy, limiting the extent to which they could use tax and borrowing powers, either to invest in new research and development or design and apply ‘green’ taxes to encourage citizens and business to reduce their consumption and carbon footprint. Nonetheless, the Scottish government has prioritized low carbon and energy items in its budget allocations as a means to promote policy goals (McEwen and Bomberg, 2013), and its fiscal autonomy will increase in 2016 once new tax powers are implemented. Similarly, Wales lacks fiscal autonomy without tax varying or borrowing powers and is dependent on block grant funding from the UK Government. Tax and borrowing powers are on the political agenda in Wales, too, following two commissions (Independent Commission on Funding & Finance in Wales, 2010; Commission on Devolution in Wales 2012). The first commission recommended that natural resources and corrective taxes could be considered if Wales could introduce new taxes (Independent Commission on Funding & Finance in Wales, 2010: 100-02). There has been growing use of EU Convergence funding for West Wales and the Valleys region in this area, for instance in local electricity generation and particularly energy efficiency.

As already emphasized, climate policy is increasingly multi-level, not only within nation-states but beyond them, and the EU has assumed a particularly significant role in this sphere, setting the framework through its 2020 Energy & Climate Change programme within which all member-states and regions must operate. Under the devolution settlement, however, external relations, including relations with the EU, is a reserved matter, with no guaranteed rights for the devolved administrations to have their voices heard. Thus, responsibility for administering the EU Emissions Trading Scheme is executively devolved to Scottish and Welsh Ministers, but the UK Government retaining negotiating and implementation roles. And although devolved ministers can participate in the EU Council, they can only do so as part of the UK delegation and must adhere to the UK negotiating line. The basis for international engagement on climate change is also tenuous. Foreign affairs and international negotiations are reserved matters. The Concordats on International Relations stipulate that the devolved administrations will be invited to contribute to reports to international organizations on obligations arising from international agreements on areas of devolved competence, but there is little scope to get involved in or influence international decision-making (Ministry of Justice, 2012).

Similarly, international development is non-devolved but drawing on a basket of legal powers both Wales and Scotland have been able to undertake climate-focused activities in the developing world.

The constitutional allocation of powers has thus generated opportunities for policy action, but their limitations have also resulted in a dependence upon the UK government, necessitating close intergovernmental co-operation. Moreover, there is acknowledgement that across climate change and energy-related areas, devolved and non-devolved competences overlap, including in energy efficiency, carbon capture and storage and oil and gas exploration (UK Government, 2013), and a mutual desire to foster good communication between governments at different scales.

Natural Resources

Constitutional constraints can sometimes be overcome by capacities in other areas. Of particular relevance to climate policy is the presence of natural resources which could be harnessed to produce renewable energy, or a landscape that might lend itself to carbon capture and storage.

The Scottish government has frequently boasted about the potential for renewable energy from its natural resources, claiming to have the largest offshore renewable energy resources in the EU, including 25% of EU offshore wind, 25% of EU tidal and 10% of EU wave power (Scottish government, 2013). Although ‘up to’ 10 GW of offshore wind and over 1.6 GW of wave and tidal projects are currently planned, the advanced deployment of onshore wind – Scotland has installed half of all the UK’s onshore wind – has given Scotland a distinctive profile and some influence in relation to energy policy. The North Sea, meanwhile, as well as being of strategic importance as a result of its oil and gas reserves, has also been earmarked as a potential site for carbon capture and storage, once the technology is more advanced. Although the installed capacity and rates of energy conversion are much lower in Wales, its location, geography and climate also create considerable potential to exploit natural resources toward low carbon goals. Wales has 1200km of coastline, and according to Welsh Government estimates, it has generation potential of up to 6.2 GW that could be extended to 10GW if marine potential was pursued through tidal power (WG, 2012a: 23). Moreover, a further asset, viewed as a competitive advantage, is the proximity between many existing and potential sites of renewable energy and Welsh infrastructure. This includes deep-sea ports and accessible electricity grid network (particularly along north and south coastlines, though less so in mid-Wales). Wales is also closer geographically than Scotland to the large urban centres of England where energy demand is greatest. Equally, Wales forms a key part of the UK’s fossil fuel-based electricity generation including new gas-fired power stations and nuclear energy plans.

Civil Society Networks

Civil society networks, support and expertise can also enhance capacity for action. This has been especially evident in Scotland (McEwen and Bomberg, 2013). Long before devolution, Scotland was home to a distinctive and active civil society, and the parliament has made it stronger still. In climate policy, what has been particularly interesting is that a wide range of actors has been mobilized, sometimes working closely with government in a corporatist fashion. A wide range of NGOs joined forces with church and labour organizations to form a cohesive and effective coalition under the banner, Stop Climate Chaos Scotland, which used very effective lobbying to help nudge the political elite towards the ambitious 2020 targets of the 2009 Scottish Climate Change Act. Key business players, especially those involved in the renewables industry, also exploited their access to ministers to press for ambitious targets, identifying an opportunity for business innovation and investment. Through the 2020 Climate Group, a broader based coalition of industry leaders, academics, trade union leaders, local authority chief executives and NGO leaders, are now supporting government in meeting the targets (ibid.). In energy too, the Scottish government has actively nurtured engagement with a
wide range of groups. The Energy Advisory Board, established in 2010 and chaired by the First Minister, involves business leaders, the scientific community, consumer organisations and trade unions, along with officials from central and local government, in shaping the government’s energy policies as well as offering advice on how the ambitious targets can be met. There is also a healthy, if looser, network of actors and organisations which support a growing community energy sector, working closely with officials in government. This co-operation helps to generate a sense of collective commitment that can help to drive forward policy and be an effective resource in smoothing policy implementation.

Wales presents a more mixed picture. On the environmental side, there is a well-established mix of both international, UK and indigenous NGOs that work independently and as coalitions to inform and exert pressure on the Welsh Government towards more ambitious climate change and energy action, including devolving further powers in these areas. In 2007, the ‘One Wales’ agreement established a Climate Change Commission for Wales composed of representatives of the political parties, business sector, third sector and other experts (including at the UK level). It liaises with the UK level Committee on Climate Change and aims to provide leadership and engagement for each sector, build consensus around climate change action and inform, and advise and scrutinise government policy. It has been viewed as a senior partnership and stakeholder group and has taken seriously its role in engaging and scrutinizing government policy. The policy community around renewable energy is less developed. Whilst a trade association (Scottish Renewables) was set up in Scotland in the 1990s, Renewables UK Cymru had only one member of staff up to 2012. Currently, the organization has ‘the kind of staffing needed to be active in an array of policy and media arenas in Wales’ (Cowell et al., 2013: 25). This situation reflects both the state of the industry and government's only recent attempts to prioritise the sector. As Toke et al. (2013:10) note: ‘Wales lacks the major energy businesses that one sees in Scotland' and the Welsh Government's 2010 economic strategy was the first to prioritise energy as an economic sector. As regards engagement with the sector, building on work by a Ministerial Advisory Group on Economy and Transport, in March 2011 an Energy and Environment Sector Panel of five industry experts was set up to advise government on sector needs with the potential to guide policies and initiatives but Toke et al. (2013: 10) suggest that the Welsh Government has 'struggled' to develop the right form of engagement the sector. Representation of the community energy sector is in its initial stages as Community Energy Wales (CEW) was established in 2012 to replicate the Scottish arrangements with the aim that it plays an ‘active role’ in Welsh Government energy policy development (National Assembly for Wales, 2013b).

Political Factors

A range of more nebulous political factors can reinforce the devolved administrations’ capacity for action. These include leadership and political legitimacy. In Scotland, there is no doubt that the First Minister, Alex Salmond, is personally committed and driven to achieve the ambitious targets of his government, especially in energy where he has long had an interest and expertise. The government has also been keen to use its climate change legislation and energy ambitions to assert Scotland’s leadership role in Europe and internationally. The parliamentary strength afforded by the SNP’s majority status in 2011 – a significant achievement in a PR system – has also reinforced the SNP government’s political clout in the UK. This is not just a matter of arithmetic. A parliamentary majority gave the SNP government a mandate to press ahead an independence referendum, scheduled for September 2014. As the all-consuming issue in Scottish politics, and the biggest territorial challenge to the integrity of the UK as a nation-state since the secession or Ireland, it has arguably heightened the willingness of the UK government to be seen to be accommodating of Scottish demands – to do otherwise would risk a grievance which could be mobilized in support of independence. In Wales, the sustainable development statutory duty has been a crucial symbol underlining Wales' leadership role on climate change and energy issues. At the most basic level, there
is strong recognition within the Welsh Government of the reality of climate change and the need to act, bolstered by cross-party consensus within the Assembly on the political importance of climate action. This has been compounded by the influence of NGOs and charismatic leadership by Welsh Ministers such as Jane Davidson both across government, in Wales and in relations with other levels of governance, including the EU and internationally. Indeed, Wales has capitalised on the prominent roles that ministers have played in nrg4SD and subsequently with the Climate Group to not only profile Wales’ climate action and targets but to gain international visibility and status through networking with prominent sub-state governments and participating in UN-related events (see Royles, 2012). Despite more recent concerns regarding aspects of the Welsh Government's leadership in this area (associated with the Sustainable Development Bill and tensions surrounding renewable energy), since 2012 the First Minister, Carwyn Jones, has assumed responsibility for the energy portfolio. He has a high level of legitimacy linked to the support for his leadership and this move was viewed as ‘symbolic of a new emphasis on renewable energy delivery’ (Cowell et al., 2013: 24).

As McEwen et al. observed of the UK’s devolved structure, 'constitutional and fiscal resources remain concentrated in the hands of the UK government, while the latter also enjoys the lion's share of those less tangible resources related to the access to information, organisational support and policy expertise.' (McEwen et al., 2012: 192). Scotland and, to a lesser extent, Wales have constitutional powers in the climate arena. These are bolstered by significant natural resources and renewable energy potential, and varying access to networks of organisations to boost their capacity for action. But, there are also constraints and dependencies on the UK government, which require effective navigation through channels of intergovernmental relations in order to maximize autonomy and influence.

**Climate Policy and Intergovernmental Relations**

Intergovernmental relations are critical across all types of political systems given both the multi-level nature of climate change policy and division of competences between different levels of government. Where the power to shape and implement climate policy is spread across levels of government within a nation-state, Agranoff argued that intergovernmental relations are an essential accompaniment to legislative autonomy: ‘self-rule can be formally introduced to a polity's governing arrangements but cannot be maintained without the working connections that tie central governments to those constituent units that enjoy measures of independent and interdependent political power, governmental control, and decision-making’ (Agranoff, 2004: 26).

In the UK, these ‘working connections’ between the UK government and the devolved administrations are characterized by comparatively very low levels of institutionalization (Bolleyer, 2009). This was always the intention. IGR were designed – inasmuch as they were designed at all - to be informal, based upon day-to-day interactions between a diverse array of middle-ranking officials. These bureaucratic interactions were facilitated in the first eight years of devolution by the dominance of the Labour Party in government across all levels (McEwen et al., 2012; Trench, 2007). Even more recently, though, when political incongruence has been the norm, IGR remain weakly institutionalized.

In the field of climate change and low carbon energy, the main interactions are bilateral, between each of the devolved administrations and the key Whitehall departments, especially the Department for Energy and Climate Change (DECC) and (in the case of climate adaptation) the Department for Environment, Food and Rural Affairs (DEFRA). Climate policy and especially energy has been a particular focus of multi-lateral discussions in the Joint Ministerial Committee (Domestic) (the main forum for UK-DA IGR) and the British-Irish Council, while the JMC Europe has discussed climate change in its preparatory meetings ahead of European Councils (Cabinet Office, 2012; NAFW, 2012a). Non-governmental bodies, most notably the Energy Regulator, Ofgem, and the Crown Estate (which manages the properties owned by the Crown including all sites for offshore renewable developments)
are also key.

Both the devolved administrations and UK government officials have spoken positively about their interactions. For example, a good deal of co-operation was involved in developing the Climate Change Act 2008. The Act was accompanied by a concordat setting out a framework for administrative co-operation to ‘promote close and harmonious working relationships’ and ‘where possible agreement in delivering a coherent cost-effective climate change policy framework’ (HM Government, et al., 2008: 3). Intergovernmental co-operation has also been evident in a range of related initiatives including the Committee on Climate Change which monitors and reports on progress towards the targets; the Carbon Reduction Commitment Energy Efficiency Scheme, a mandatory emissions trading scheme for large, non-energy-intensive organizations; the UK Climate Change Risk Assessment and the UK Climate Impacts Programme. The devolved administrations have also been included within discussions of electricity market reform (EMR), and their statutory right to be consulted has been recognized in the new Energy bill (HM Government, 2013: 31).

Officials in both the Scottish and Welsh governments confirmed regular co-operative communication with their counterparts in Whitehall, ranging from informal contact, consultative roles to more formal involvement on steering group depending on the specific policy and the extent of overlap between UK and devolved competences. Ministerial co-operation has also been evident, in spite of the numerous ministerial changes especially in Whitehall, facilitated by (broadly) shared policy commitments, compatible personalities and a mutual desire to make intergovernmental relations work. A former Scottish minister spoke of ‘very workmanlike’ relations at ministerial level especially after the change of UK government in 2010, with the UK energy minister (a Conservative), while relations with the Secretary of State (a Liberal Democrat) are also viewed positively. Interviewees were divided on the usefulness of multilateral fora. Some felt that they promoted more regular interaction and influenced the quality of IGR. Others argued that they were symbolic, locations for building relations. The British-Irish Council, which also includes the Irish government, has been particularly important symbolically for Scotland; it has allowed the Scottish Government to take a lead on renewable energy matters, helping to develop an All Islands Approach to renewable energy which could survive a transition to Scottish independence.

In exerting influence, however, bilateral interactions remain the most significant. Senior officials in the Scottish government have noted their ability to use ‘soft power’ to gain concessions within the intergovernmental arena, in spite of their lack of constitutional competence in the energy sphere. These include effective lobbying to secure agreement on distinctive bands within the Scottish Renewables Obligation to boost investment in marine energy in Scotland; the location of the UK Green Investment Bank in Edinburgh; a resolution to the prolonged dispute over the revenues raised by the Fossil Fuel Levy for investment in Scottish renewable energy; and the recognition of the right to statutory consultation over EMR (interviews). The latter, however, could be viewed as compensation; the transition from the Renewables Obligation to Feed-in-Tariffs with Contracts for Difference reduces Scottish autonomy by replacing the discretion that the Scottish administration had enjoyed in the RO with a UK-wide system. There are examples, too, of the Welsh Government gaining influence and some concessions at the UK level. Despite its limited bargaining power on the Energy Bill, the Welsh Government secured recognition that some elements were within its legislative competence (emission

---

6 The Fossil Fuel Levy, levied by Ofgem on energy suppliers, had amassed around £200 million which, by statute, could only be accessed by Scottish ministers and only be spent on renewable energy investment. However, Treasury rules on Departmental Expenditure Limits had meant that any money accessed by the Scottish Government through these means would result in a corresponding deduction from the Scottish block grant. Negotiations between senior civil servants from both administrations led to a deal by which half the amount would be accessible by the Scottish government, without penalty, and half would be deposited in the Green Investment Bank (from which Scottish officials expected Scotland would also benefit from).
performance standards), thus leading to the need to secure the legislative consent of the National Assembly for Wales.⁷

There has also been co-operation between the devolved administrations and the UK government with respect to engagement in international energy and climate change negotiations, especially since the change of government at the centre. The UK Labour government had difficulties engaging with the Scottish government after its election in 2007, when intergovernmental relations across a range of policy spheres were affected by the intense intra-territorial competition between Labour and the SNP within Scotland (McEwen, et al., 2012; Swenden and McEwen, forthcoming). Thus, the DA Ministers were not included within the UK delegation to the UN Climate Summit in Copenhagen in 2009, forcing them to utilize their membership of climate networks (The Climate Group and nrg4SD) to gain access as lobbyists. Post-2010, the UK coalition government has been much more amenable, with officials and ministers often closely tied to the UK negotiating teams, e.g at the 2012 Doha Climate Change negotiations, or working in partnership to push for more ambitious climate policies within the European Commission (interviews with officials in Scotland, Wales and Brussels). Whilst this may reflect capacity challenges at central government, it underlines a change in the central government approach to intergovernmental relations, and its stated desire to ‘respect’ the autonomy of the devolved governments.

Improved intergovernmental relations, especially between Wales and the UK, are also a result of the former’s strengthened law-making powers post-2011. This clarified Wales' competences and gradually changed the dynamic of relations by requiring greater dialogue and agreement of the Welsh government, particularly in instances of overlapping competences (e.g. Legislative Consent Motions). These changes must be set against the prevailing culture, with DECC previously viewed as amongst the most non-devolutionist of departments, with related effects on its apparently 'indifferent' attitude towards Wales (FOE Cymru, 2013) – a contrast to its attitude toward Scotland. There is also a desire to maintain national oversight and control of electricity generation and transmission. The UK government’s submission to the Silk Commission (2013: 31) argued: ‘We consider it important that these issues are dealt with strategically and on a GB basis, particularly in light of the UK’s transition to a low carbon energy mix.’ This situation is compounded by the Welsh Government’s limited capacity and staffing resources in this area. This was raised in interviews to explain why Wales did not attend all possible Whitehall groups or project boards, or why it mainly followed DECC's lead on EU energy policy developments, findings which are echoed in other research (Cowell et al., 2013: 17; Upton, 2013). Capacity also contributes to explaining why the Welsh government hasn't been as proactive as its Scottish counterpart in its engagement with DECC. Capacity within the Scottish government, by contrast, has increased in light of the strategic importance invested in energy policy after 2007, and much time is invested in nurturing intergovernmental channels of communication, not just with Whitehall but also with the European Commission. While energy officials in Scotland reported positive working relations with officials in DECC, the latter was viewed as lacking influence within Whitehall which could inhibit progress on some thorny issues.

It would be inaccurate to describe intergovernmental relations as always 'cordial and positive' (Cowell et al., 2013: 53). Interviews indicate a more complex situation. For instance, despite Welsh Government efforts, there is no bilateral concordat with DECC with the latter giving resource issues as the explanation. In other instances such as the Green Deal, it didn't seem that Wales had sufficient input into formulating UK-level policies, resulting in difficulties in adequately preparing for policy implementation (NAfW, 2012b; CCC, 2013a). A key tension post-2010 that has played a very public part in intergovernmental debates is Wales' attempt to gain energy consenting powers up to 100MW on

---

⁷ By convention, the UK parliament does not legislate on matters that are devolved without first securing the consent of the devolved institutions concerned. This is expressed through the tabling of a legislative consent motion before the devolved assemblies/parliament.
land and sea (except for nuclear energy). The Welsh Government has argued for parity with Scotland and Northern Ireland to develop more integrated and efficient decision-making on energy (WG, 2013: 22-3). The UK Government's position (2013) is that there is no compelling case for further powers.

Although Scotland’s enhanced executive powers and its capacity and willingness to exploit renewable energy have given it more influence in the intergovernmental arena, it too has faced limitations to its autonomy. In spite of intense lobbying, the Scottish government has not been able to secure a satisfactory shift in the system of electricity grid transmission charging, though progress has been made. The current regime, regulated by Ofgem, imposes higher charges for transmitting electricity generated in remote areas to large centres of population (a system which was intended to promote efficient transmission). As a result, governments (central and local) and commercial developers centred in Scotland feel aggrieved at what they perceive to be unjust penalties which inhibit investment in the remote Highlands and Islands where the renewables potential is most evident. Scottish and especially industry lobbying contributed to the setting up of Project TransmiT by the regulator to review the system of transmission charging. More significantly perhaps, the Scottish and UK government recently collaborated on a proposal for a separate islands’ ‘strike price’ to support renewable generation in the Scottish Northern and Western Isles as part of the electricity market reform process (interviews with Scottish, DECC and Western Isles officials). The fundamental issues have yet to be fully resolved, however.

Political factors have also shaped the capacity for influence. Whilst Cowell et al. (2013: 53) argued that there is no fundamental difference in policy direction, especially between the UK and Welsh governments given the latter’s acceptance (unlike its Scottish counterpart) of nuclear power as part of the low carbon energy mix, there have been growing ideological differences in approaches and priorities on climate change and energy post-2010. This appears less to do with party political differences and more about ministerial attitudes and personalities. The forthcoming Scottish independence referendum looms large across all intergovernmental relations, but the pragmatic approach of the UK government, and its desire to accentuate the benefits of the Anglo-Scottish Union, has arguably facilitated intergovernmental co-operation, at least between the UK and Scottish governments. For Wales, by contrast, it has generated new challenges. Scotland was already in a stronger position vis-à-vis Wales given its more extensive powers and energy resources; Wales, by contrast, has always had to shout louder to be heard. Now that the referendum colours so much of the UK government’s engagement with devolution, it has made it even more difficult for the Welsh Government to exert influence. In response, it has attempted to assert its position, and strengthen the political case for devolving further powers in this area by exploring usage of its legislative powers and strengthening relations with key bodies such as the National Grid, Crown Estate and OFGEM.

**Conclusion**

This paper has examined the scope that sub-state governments possess in contributing to the global challenge of climate action. It has done so by examining the Scottish and Welsh governments' capacity for action and the extent to which this has enhanced their influence in interacting with the UK Government. On paper, they have established similar targets on climate change and low carbon energy and their rhetoric regarding their leadership and international positions is equally similar. This represents a signal of how ambitious sub-state governments seeking to assert their territorial distinctiveness may deal with limited autonomy: bypassing the pressures to comply with the state level by setting the bar higher than central government. The paper also highlighted the contrasting scope for autonomy of Scotland and Wales. Key amongst these is the difference in the formal scope for decision-making enjoyed by the Scottish Government which has, in part, enabled the pursuit of more extensive and successful climate action, particularly around renewable energy. Whilst both governments lack legislative autonomy in key areas, the paper has demonstrated that Scotland has greater scope for
discretionary decision-making due to the enabling nature of the reserved model of division of powers as well as the executive powers in the area of electricity (generation and grid consents, the RO) which have helped it innovate, incentivise and further its distinctive agenda. The Welsh Government, in contrast, has had to be content with formulating its activities in the context of greater dependence upon the UK and EU levels and thus had to give greater recognition to the multi-level and overlapping competences which have restricted its scope for taking its own distinctive action.

The paper also evaluated the respective capacity for influence which the Scottish and Welsh governments could exercise in the intergovernmental arena. Once again, constitutional powers had a central role to play, with overlapping competences creating a greater sense of Wales’ dependency on central government as opposed to 'joint working' between Scotland and the UK Government. The way that Scotland's enhanced executive powers and Wales' strengthened law-making powers since 2011 provided bargaining power underlines the strong interrelationship between constitutional powers and the level of influence that can be gained in intergovernmental relations. Wales' previously lower level of autonomy and its current lack of parity with Scotland's constitutional powers have longer term influences on its position vis-à-vis central government. Scotland's more advanced position on the 'green agenda', empowered by strong civil society networks, including key players in the energy industry, and an evident capacity and political will to convert natural resources for energy consumption and export, have also contributed to its greater leverage in its relations with the UK Government, by establishing a degree of mutual interdependence.

Other more political factors also affect the intergovernmental relationship. Although consensus has broadly characterized emissions reduction policies, energy policy is much more politicized. From a UK Government perspective, energy generation is increasingly central to energy security and thus to 'national' security itself. This seems to steer central government attitudes towards devolved administrations in this area, regardless of the extent of political congruence or incongruence between the levels of government. Compared to other areas of devolved action, the highly technical nature of these policy areas and the need for scientific data as a basis for policy creates a higher level of dependency on expertise and advice from the state level. Nonetheless, it is clear that the SNP Government has been able to exert itself more strongly in intergovernmental relations. Factors that need to be taken into account in Scotland and Wales' differing positions include the political strength of the respective parties, and the effects of personalities, particularly in key ministerial positions. However, an overarching factor that is implicit to the strength of the SNP is the impact of its independence agenda. Scotland's renewables policy is not only tied to its climate change programme but also to its economic agenda and thus to the economic case for independence. Alongside a continued desire to exploit fossil fuel, especially through North Sea oil extraction, renewable energy is used to illustrate Scotland's energy wealth and its potential for economic prosperity as an independent nation-state. The UK government is keen to emphasize that the current constitutional framework provides the best guarantee of such prosperity. While this highly polarizing debate might have generated tensions in intergovernmental relations, it seems instead to have contributed to a desire on the part of the UK government to be accommodative. The effect of independence debate is felt beyond Scotland too, shaping the dynamics of intergovernmental relations with devolved administrations in the area of climate change and energy policy. In some respects, these are atypical circumstances less than 12 months prior to a referendum vote. However, given the way in which growing demands for constitutional change are also typical of decentralisation in other cases, the impact of this political factor and the territorial politics dimension deserves further investigation.

Despite the correspondence in their agendas, there has been a relative absence of horizontal co-operation or collaboration between Scotland and Wales outside of multilateral forums on climate change and energy. There is some evidence of areas of greater joint working, for instance on related international sustainable development action and of mutual benefit, such as the mechanisms for
consultation included in the current Energy Bill. A lack of greater co-operation can be attributed to a lack of tradition of joint working both during times of political congruence and incongruence and the degree of competition between them in these policy areas. The critical element however is the asymmetry of the devolved arrangements. Despite the changes in the constitutional set up of devolution in the UK since 1999, the asymmetry of relations remains and retains the original intention of reinforcing the position of central government.

References


HM Government (2006), Climate Change. The UK Programme, HMSO, CM CM6764 SE/2006/43


