



# The UK continues to devolve

But has the centre sufficiently defined a role for itself?

BY CHARLIE JEFFERY

**Any** day now the British Deputy Prime Minister will announce which regions in England will hold the first referendums on establishing elected regional government. The hot tips are the North East and Yorkshire regions, possibly also the North West around Manchester and Liverpool.

The referendums will then go ahead in 2004, and if there are “yes” majorities the first elected regional assemblies in England should be at work by 2006.

## The “English question”

The new English regional assemblies throw a spotlight onto two of the unusual features of the UK devolution process.

First and foremost they are a shot at answering the “English question”. Whenever devolution has been up for debate in the UK, the main focus has been on Scotland, Wales and Ireland. Devolution has always been about how to reflect Scottish, Welsh and Irish distinctiveness better in a union state dominated by England and the English.

In all of this, no one has ever really known what to do with England itself. But once you start devolving significant powers, the problem of equity gets raised. If the Scots and the rest get devolved powers, then so should the English. But the idea of a devolved parliament for England is just as problematic. The English account for over 80 per cent of the UK population and even more of its economic clout. An English parliament would look like a bull in a china shop: too powerful and in all likelihood too clumsy to avoid trampling over the very different sensitivities and needs of the other UK nations. For many, an English parliament could alienate the rest and even lead to the break-up of the UK.

So are English regions the answer? Will they deal with the equity problem? They might well. Opinion polls show limited support for an English parliament. Most of the English seem to feel the Westminster Parliament does a good enough job in looking after their interests. Those who don’t are typically those furthest away from Westminster in the English north. But then they are likely to get their own regional assemblies in the next few years. The assemblies will give them the voice they feel they lack at Westminster.

## Not one-size-fits-all

However, the first English regional assemblies will also make more complex a second unusual feature of devolution: its radical “asymmetry”. When the first English regional

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*Statue of Donald Dewar, the father of devolution and Scotland’s first First Minister.*

assemblies are established, there will be six different forms of devolved government, ranging from the Scottish Parliament with its very extensive legislative autonomy, to the modest administrative devolution to English regions without elected assemblies.

Asymmetry has noble objectives. It is an attempt to meet special territorial needs. Northern Ireland’s devolution is tailored to the circumstances of a divided society groping its way to peace. In Scotland, devolution is meant to give expression to a strong sense of national identity – and to buy off separatist pressures. In the southern English regions, where there is minimal demand for self-government, it is about the better administrative coordination of central government policies at the regional level.

But this kind of “tailored” regional government tends to lack a stable equilibrium. As other markedly asymmetric systems such as Spain show, asymmetry opens up the ground for further tinkering to provide an even more finely tailored solution or for regions with lesser powers to try to ‘catch up’ with the rest. In each part of the UK, there are clear signs of this missing equilibrium:

- In **Wales**, a Commission was established in September 2002 under the former leader of the Labour Party in the House of Lords, Lord Richard of Ammanford, to review the powers of the Welsh National Assembly. The establishment of the Richard Commission reflects the widespread dissatisfaction in Wales with a limited and complex form of devolution. When it reports in later 2003 the Commission seems likely to recommend that Wales move towards the more extensive powers of the Scottish Parliament.
- In **Scotland**, the establishment of the parliament in 1999 was supposed to close down constitutional debate. As the first Scottish Premier, the late Donald Dewar, put it, the parliament represented the “settled will” of the Scottish people. But in Scotland, the Scottish National Party (the second biggest party after Labour) is committed to Scottish independence and naturally enough wants to keep the Scottish “will” unsettled for as long as Scotland is part of the UK. So it has tried to put further devolution reforms on the agenda - reforms that include greater tax-raising powers for the Scottish Parliament. “Fiscal autonomy” was one of the key themes in the last Westminster election in Scotland. And it will no doubt raise its head again in the campaign

for Scottish election on May 1, 2003. The Scottish will is certainly not settled yet.

- **Northern Ireland** was never seen as a settled situation. Right from the start it was planned that further powers – for example on policing – could be devolved once the political situation there stabilized. Accordingly, an official review of the Northern Ireland Assembly is set to take place at the end of 2003. But even that could be pre-empted by the dynamics of an ongoing negotiation process designed to bring the Assembly out of ‘suspension’ before elections scheduled for May 22, 2003. Amid these negotiations, the powers and even the form of devolution in Northern Ireland are in principle “on the table”.
- And then there is **England**. English regionalization is in two ways a fluid process. First, regional assemblies will be created in waves. The initial, northern referendums in 2004 are likely to be followed by a second wave, possibly in 2006, addressed at regions like the West Midlands and the South West which feel distant from Westminster, but where an active “demand” for devolution is not yet so evident. The implicit assumption is that the establishment of assemblies in the north will let loose a “domino effect”, with other regions unable to resist toppling to the regionalization momentum. Second, the May 2002 UK government White Paper on policy for the English regions also made clear (but without giving any detail) that additional powers may at a later stage be up for grabs by the regional assemblies.

### “Tell us what it’s all for”

UK devolution is, in all these ways, a moving target.

This may not be a disadvantage in a transition from what was a highly centralized system of government. It may well be sensible to leave scope for modifications to initial reforms as different regions – with clearly different backgrounds and sensitivities – come to terms with the practice and possibilities of devolved government.

As one of the architects of devolution, the former UK cabinet Minister for Wales Ron Davies, famously put it: devolution is “a process, not an event”. But, one thing that a flexible and nuanced *process* of devolution needs is clarity of purpose at the centre. Asymmetric and dynamic devolution is a challenge for intergovernmental coordination, for striking the balance between UK-wide policies and needs, and those in the various nations and regions of the UK.

Striking that balance is a matter on which central government has to lead. Asymmetrical devolution limits the scope for meaningful coordination among devolved governments, because they do not necessarily have the same sets of powers to address those issues that affect them in common. Instead, asymmetry favours a set of bilateral coordination arrangements between a central government “hub” and devolved “spokes”. There is little evidence that the centre has thought through that “hub” role.

When a UK minister was once asked how academic research might inform policy on devolution his answer was: “We want you to tell us what it is all for”.

Indeed, nobody has yet expressed what the UK *as a whole*, in its new, radically changed format is *for*, what the role of the centre should be, how the centre should relate to the territories, how the parts combine to make the whole. Asymmetrical devolution may be ‘tailored’ devolution; but in the UK it has

## Asymmetric devolution in the UK: Six forms of devolved government

- **Scotland:** 129-member parliament with full legislative powers in most fields of domestic policy, including health, education, policing, environment and regional economy.
- **Northern Ireland:** 108-member assembly with full legislative powers in most fields of domestic policy, though with some powers (e.g. policing) retained by Westminster until political situation stabilizes. Complex power-sharing constitution designed to secure cross-community consensus in a divided society. Periodically “suspended” (most recently in October 2002) due to unstable political situation.
- **Wales:** 60-member assembly with “secondary” legislative powers extending across most fields of domestic policy, but dependent on case-by-case empowerment by Westminster.
- **London:** Directly elected mayor held to account by 25-member Greater London Assembly. Executive powers in fields of transport, policing, fire and emergency services and economic development. Powers are “strategic”, which means the mayor and assembly lack a delivery capacity and rely on other bodies to implement strategies.
- **English Regions I:** 25-35 member regional assemblies with “strategic” powers in economic development, planning, housing, transport and culture. First assemblies likely to be established in northern regions in 2006.
- **English Regions II:** Administrative decentralization of central government responsibilities in economic development, planning etc. Carried out by regional government offices, business-led regional development agencies and appointed regional chambers of “stakeholders” from local government, business and other regional interests. Remains the default option until regional electorates vote for elected assemblies in a referendum.

also been piecemeal devolution, with different reforms prepared by different ministries with little overarching coordination, little in the way of overall rationale.

The centre could articulate what the common loyalties are that bind all parts of the UK together. It could try to define what all citizens of the UK should enjoy as common public services, and why parts of the UK should now have the capacity to shape their own public services in certain fields. In other words, it could not just open up possibilities for devolution, but also set their limits.

It is not doing that at present. Instead it is taking a largely laissez-faire role, dealing with issues as they arise, relying on the capacity of civil servants to “muddle through” problems on a case-by-case basis.

In the conditions of asymmetric devolution this strategy is risky. It leaves the field open to the centrifugal pressures of emulation and *un*-settled will. If there was a central purpose to devolution it was to rebalance the UK and make it better capable of accommodating territorial difference.

The UK government seems to have overlooked the fact that rebalancing also needs the *counterbalance* of a centre that knows where it is going. ☺