

U.K. devolution hits a snag after 10 years

Local control for Wales, Scotland, and Northern Ireland – but not for England



Jack McConnell, the Scottish Labour Party leader (l.) and Alec Salmond, leader of the Scottish National Party, wait for the cue to begin a pre-election debate in April 2007. Salmond won the race for the Scottish Parliament and formed a coalition with the Green party.

BY CHARLIE JEFFERY

NINE YEARS AFTER THE LAW WAS passed creating the Scottish Parliament and the Welsh Assembly, devolution appears to be producing the kind of transformation that many expected. All the new devolved governments established after the 2007 elections in Scotland, Wales and Northern Ireland contain nationalist political parties with ambitions in the short or long term to leave the U.K. The Scottish National Party (SNP) leads a minority government in Scotland. The Welsh nationalist party, Plaid Cymru, is junior partner in coalition with Labour in Wales. Finally, Sinn Fein, the Irish nationalist party, became number two in

the improbable coalition government of U.K. unionists and Irish nationalists that was finally formed successfully, and relaunched devolution in Northern Ireland in May 2007.

Unsurprisingly, given this set of election outcomes, arrangements for government in the four nations remain contested. The SNP published a historic White Paper in August 2007 advocating independence. In Wales the Labour and Plaid Cymru coalition plans a referendum on stronger legislative powers for the Welsh Assembly by 2011.

A new debate about the government of England has also flared up. Prompted mainly by Conservative commentators, the English debate highlights concerns about the post-devolution Anglo-

Scottish relationship, including representation at Westminster and the higher level of public spending Scotland enjoys. The problem was that, while Scottish MPs at the U.K. Parliament at Westminster can vote on decisions that affect England, after the creation of the Scottish Parliament, the same Scottish MPs had no say on similar decisions for Scotland. They can still decide on local matters for England because there is no English Assembly. One outcome appears to be a firming up of the Conservative Party's commitment to reform the way the U.K. Parliament deals with English business after devolution.

An unfinished devolution

Only on the subject of Northern Ireland is there currently no appetite for revisiting government arrangements – a

Charlie Jeffery is Professor of Politics at the University of Edinburgh, U.K.

reflection of the way that polarized constitutional debate disabled earlier attempts at devolution. Few would bet, though, that the government of Northern Ireland has achieved enduring stability.

The union of nations that makes up the U.K. is, in other words, in flux. That poses a particular challenge to the new Scottish U.K. Prime Minister, Gordon Brown. Brown is in a sensitive position: an MP from a nation that has extensive devolved powers of government is now Prime Minister, responsible to a Parliament that is unable to legislate in wide areas of policy for his constituency.

While there are plans to reform the House of Lords, almost nothing in the proposals so far reflects a federal relationship, let alone a change to a second chamber for the regions.

Brown has been the only senior U.K. politician to devote serious thought to the nature of the U.K. union and what holds it together. His theme has been “Britishness.” In a series of speeches, he has tried to map out the shared identity and values that build a commitment to the U.K. state across its component nations. As Brown said in a recent visit to Scotland: “For all of my political life, I have stood up for Britain and I stand here today again to speak up for Britain and Britishness and for the values that make us proud of our Britishness.”

Sharing values with Scotland

Though it is doubtful that the Scots and the English mean the same thing by Britishness as an identity, Brown has a point on values. Public opinion research shows that people across the U.K. have more or less the same attitudes on fundamental values such as the balance of market and state, or the duty of solidarity between rich and poor.

The problem Brown faces is that after 1997, governments in which he was a key member have put too little thought into crafting the institutional relationships needed to underpin the partnership of England, Scotland, Wales and Northern Ireland after devolution.

To put it bluntly: devolution has been a project of the parts, not the whole. Its logic is piecemeal, with different U.K.

ministries introducing different types of institutional reform for different reasons in each part of the U.K. Those reasons may all be good ones for devolution in Scotland, in Northern Ireland, or in Wales. But each reform has implications beyond its own territory; all impact on the nature of the union that makes up the U.K.

It is these implications – the effects of reform in the parts of the U.K. on the nature of Britain – that have been neglected. Beyond Brown’s occasional speeches there has been no attempt at a systematic articulation of how the U.K. envisions its post-devolution format as a



British Prime Minister Gordon Brown carries the legacy of devolution, an initiative of the Labour Party.

whole. One unanswered question is what the role of the centre – the U.K. Parliament at Westminster and the U.K. government – should be. Nor is there an answer to how Westminster now relates to the devolved territories and how the parts now add up to make a whole.

There are at least four reasons why this understated and piecemeal approach to devolution is a problem:

The structure of devolution is unusually permissive of policy-making autonomy. This permissiveness was

expressed in legislative powers, freedom of spending within the block grants received by the devolved administrations, and in the weakness of mechanisms for co-ordination with the rest of the U.K. That permissiveness is amplified by the different dynamics of government formation produced by the distinctive electoral and party systems in operation outside England, as seen in the 2007 election results. All this, of course, is to an extent what devolution was for, to bring different approaches to government better reflecting preferences outside England. But there is somewhere a tipping point where the scope for autonomy begins to rub up against the content of common citizenship, which membership of a union implies. The U.K. lacks an institutional structure capable of recognizing and regulating that tension.

Restoring legitimacy

Devolution reforms were each introduced in a self-contained way to address a problem in one part of the U.K. and did not take into account the possibility of spill-over effects on other parts of the U.K. For example, devolution was introduced in Scotland to restore for Scots the legitimacy of U.K. government. And it has largely done so, but what we have seen, especially in the last year or so, is a growing sense in England that Scottish devolution is unfair to the English. Piecemeal devolution may solve one problem, but end up creating another.

The biggest problem of piecemeal devolution is England itself. England dominates the U.K., with 85 per cent plus of U.K. population

and GDP. It is governed by U.K.-level institutions that combine and often confuse England-only and U.K.-wide roles. The devolved administrations have little grip on those fused Anglo-U.K. institutions. Within a single U.K. economic market, welfare-state and security-area decisions taken by those Anglo-U.K. institutions all too easily neglect, ignore or confound devolved interests – sometimes with wilful intent, more often because the devolved nations lie low on the Anglo-U.K. radar.

Piecemeal devolution superimposes political borders on what is, in large part, borderless public opinion across the U.K. There are few significant differences in the values that the Scots, English, Welsh or Northern Irish hold. Most people across the U.K. appear to dislike the idea that policy standards might diverge from place to place after devolution. Devolution did not reflect vigorous public demands for different policy agendas from those favoured by the English; it was much more a demand for proximity and ownership of decision-making, a sense that Westminster was too remote and unresponsive.

Resolving tension

There might appear to be a contradiction here between a preference for uniform policy standards and a demand for devolved government likely to produce diverse policy standards. There might be indeed, but the British are not unusual in that contradiction. The same contradiction plays out in Germany, Canada, Belgium, Australia, and pretty much anywhere with federal or devolved government. The difference is that those other places have well-established techniques for managing and resolving that tension which the U.K. lacks. Some of those techniques are institutional, and include, for example:

- nationwide legislation which sets minimum or framework standards;
- conditional grants or co-funding arrangements between central and devolved governments that address agreed nationwide priorities;
- intergovernmental co-ordination structures that give devolved governments real grip at the centre.

Such co-ordination structures can be highly formalized, written into the constitution, carried out through territorial second chambers, and subject to judicial process. They can also be highly informal, lacking a legal basis, but reflecting instead convention and practice. They can police quite exacting assumptions that all citizens should have more or less the same package of public policies wherever they live (as in Australia or Germany). They can express looser understandings of nationwide “social union,” which act as minimum standards amid quite divergent packages of public

policies from one region to the next (as in Belgium or Canada).

The U.K. lacks such institutional techniques for balancing the whole and the parts. It has haphazard sets of interactions between devolved and Anglo-U.K. officials and ministers that are not transparent as to when they happen or what is discussed. The interactions are also asymmetrical: the Anglo-U.K. officials and ministers are more powerful. They certainly do not give the devolved administrations the weight at the centre that might balance the English elephant in the U.K. boat.

The absence of routinized rules of the game in balancing nationwide and devolved interests is perhaps the central reason why the Union has not found equilibrium after devolution, and that constitutional debates about how to govern the four nations were reignited during 2007.

Debate reignites

The reason why those debates flared up last year is important. Until then, devolution had a smooth ride because Labour led the governments at the U.K. level and in Scotland and Wales from 1999 to 2007 (devolution was mostly suspended in Northern Ireland in that period). In those roles, Labour could act as a broker of differences between U.K. and devolved governments. But, more generally, Labour dominance was also the basis for complacency regarding the adequacy of the institutional arrangements for union established in 1999.

The challenge Prime Minister Brown faces is to make up for lost time in a situation where he now has to deal with other parties, including a long-standing foe in the Scottish First Minister, Alex Salmond. He has not yet shown much of a hand. Brown’s 2007 Green Paper on The Governance of Britain said nothing about devolution. Perhaps he will have more to say if he wins his own mandate at the next U.K. election, which must be called before June 2010.

Brown will be looking for Labour to do well everywhere so as to engage from a position of strength with the centrifugal pressures devolution has set free. But he will face a resurgent Scottish National Party in Scotland and, perhaps, a Conservative Party tempted to play an “English card”: because it has so few seats

to defend in Scotland and Wales, it could see votes in presenting the English as the losers of the devolution era and the Conservatives as their defenders. Brown may get caught in a pincer movement of English Conservatives and Scottish Nationalists. As the leading Conservative critic of devolution, John Redwood, put it: “The more the question of England becomes central to debate south of the border, the more Alex Salmond will fuel it, and the weaker Gordon Brown will become.”

Playing the English card

How the Conservative Party plays “the English card” could change things in the U.K. While their party had opposed the devolution of Scotland and Wales as brought in by the Labour government, some young Tories are calling for the completion of this process, not its repeal. Conservative MP Mark Field has called for “four, full, national parliaments in England, Scotland, Wales and Northern Ireland with most of the existing powers of the House of Commons and over them a federal United Kingdom parliament, which would debate defence and foreign affairs, make treaties and administer a cohesion fund for the poorer parts of the U.K.” In his model, the House of Lords would be abolished, and the U.K. parliament would meet in the old House of Lords chamber. This new U.K. parliament would be made up of delegates from each of the four regional parliaments, thus avoiding increasing the number of politicians to pay and to elect.

The official Conservative Party policy is far from such a proposal, however. There are even signs that the Conservatives are seeking common cause with Labour, with both signed up to a new Scottish Constitutional Commission proposed by the Labour leader in Scotland, Wendy Alexander, last December. That unprecedented show of unity across the U.K.’s main unionist parties suggests the stakes are high as we approach the next U.K. election. Only a decade after leading Labour politicians argued that devolution was a “settled will” and would “kill nationalism stone dead,” that election may well be about whether Labour can hold the U.K. together. 