



The Future of Devolution - Status Quo or Federation?

24 March 2009

Conference Report

On 24 March 2009, The Federal Trust organised an event held in Westminster entitled "The Future of Devolution: Status Quo or Federation?" The panel was chaired by **Brendan Donnelly**, Director of the Federal Trust, and featured the Labour MP for Nottingham North, **Graham Allen**; **Anthony Barnett**, founder of openDemocracy and Co-Director of the Convention on Modern Liberty, and **Dr. Andrew Blick**, of The Federal Trust.

Dr. Andrew Blick, of the Federal Trust, spoke first and briefly highlighted some of the arguments and proposals he put forth in The Federal Trust's recent report, "*A Federal Scotland Within a Federal UK*," published in February 2009. His talk centred on the applicability and feasibility of a federal structure in the United Kingdom (UK) as currently composed. While taking Scotland as a starting point, Blick noted that a federal structure was workable only if it were adopted for the devolved regions of Wales and Northern Ireland as well. Blick argued that the rise in popularity and power of the Scottish National Party, since the adoption of the Scotland Act 1998, showed the need for further extension of devolved powers either through the current framework or what he referred to as the "federal option."

Blick explained that although the Scotland Act 1998 provided the necessary mechanisms to transfer more powers from the centre to the Scottish Assembly, the agreement itself is an amorphous basis for a settlement that makes it unclear as to what powers should be transferred. Another problem was that the absence of entrenchment in the British political system meant that, in theory, any agreement passed by one government in Westminster can just as easily be overturned by another. For these reasons, Blick argued that a federal option was the most advantageous solution to guarantee the autonomy of regional assemblies from the centre.

Blick went on to make the case that a federal option for the United Kingdom, with a written constitution, would lead to entrenchment and guarantee a firmer settlement between the

different tiers of government. The constitution would outline how powers were to be divided between the national, regional, and local governments and place limits on the power of each. This type of system would make it easier for politicians to respond to the needs of their constituents and legitimise the political structure of the UK to non-English eyes. Blick reaffirmed the argument put forth in the publication "*A Federal Scotland Within a Federal UK*" that, "Ironically, there is no conclusive evidence of an upsurge in underlying support for Scottish separatism associated with the recent successes of the SNP" and "The behaviour of the Scottish electorate may be explained to some extent in terms of mid-term tactical voting against a Labour Party that, as well as having dominated all tiers of representation in Scotland for many years, has been in government at Westminster for more than a decade."

Subsequently, Blick argued that the "federal option" for Scotland cannot be realistic without introducing a federal structure to the UK as a whole. The issue of England and the lack of popular support for a solely English assembly that conducted its affairs outside Westminster is especially problematic for the proposal of a federalist scheme, but one that Blick argued could be overcome. The sheer size of the population of England (51 million) means it would dominate any sort of federal system in the U.K. were it not somehow split into areas roughly equal to those in Scotland (5 million), Wales (3 million), and Northern Ireland (1.7 million). As Blick noted however, this idea is deeply unpopular among the English who lack any sort of regional identity.

Without getting into specifics, Blick presented two viable options that could be used to garner public support for a long-term federalist project in the UK. For one, he suggested redrawing regions that would be more viable because they correspond with a sense of shared identity within particular communities, what he referred to as regions with "cultural resonance." Blick admitted however, that this scheme would be time consuming and costly and would probably involve

a whole new set of arguments. Secondly, Blick advocated public engagement in order to build up attachment to a particular region.

Asked about the necessity of constitutional entrenchment in order for Scotland to operate effectively within a federalist framework, Blick stated that it technically was not necessary but the problems with the Scotland Act have shown the importance of entrenchment in guaranteeing the powers and very existence of the Scottish Assembly. When agreements are codified, said Blick, the rights of local and regional governments are guaranteed and the needs of localities are better served.

Anthony Barnett spoke next and concentrated on identifying some of the domestic problems facing the UK and how they could be resolved by extending devolution. While Blick's approach centred primarily on political considerations regarding federalism, Barnett's approach focused on a federalist structure as the best guarantor of democratic practices and ideals.

Mr. Barnett began with a quick reconsideration regarding the recent parliamentary debate on the government's proposal of a 28-day holding period for those accused of terrorist activity which was later extended to 42 days. Barnett argued that while this measure passed the House of Commons in Westminster, it would have surely failed to receive the necessary votes in the Northern Ireland, Scottish, and Welsh assemblies, thus undermining the idea of "representation" in Britain. The point here was to highlight the difference between what Barnett considered an imperial centre that tended toward illiberalism and a periphery that was more concerned with civil liberties and thus merited more political legitimacy. Barnett argued that to his dismay, this idea concerning federal engagement and liberalism in the UK was one that was not addressed often enough in federalist literature.

Barnett then focused on the idea of social contract, the consensual relationship between those who govern and those whom they govern, which is supposed to be the basis of a thriving democracy. Drawing a comparison between the "deathly hush" of Westminster, where deals were brokered behind closed doors between the political elite, and the vibrant Scottish Parliament, where the day-to-day task of governing on behalf of the people was on display, Barnett advocated a referendum to let people decide how it is they would like their government to operate.

Asked about his proposal for a referendum in England regarding an English assembly and the lack of popular support for such an idea, Barnett stated unequivocally that a referendum should be held irrespective of what the possible outcome could be because such a vote would constitute "part of the democratic learning process." He went on to

talk about the need for a written constitution that was not drafted by men sitting in Westminster but by ordinary citizens with a stake in the future of their society. He proposed a constitutional convention with a popular basis through which people could participate and feel entitled to "own" the document they helped create.

On the issue of the West Lothian question, Barnett stated that it diverted attention from the introduction of a federal system in the UK which was urgently needed; "Leave the issue of English regions to the English," he exclaimed. On the issue of the feasibility and functionality of a federal arrangement, Barnett suggested people turn their attention to the ongoing developments in Scotland and Wales after devolution. Were they to do so, Barnett argued they would realise that following the Constitutional Reforms of 1997, people in the isles obtained power and leaders began drafting legislation that was beneficial to their respective communities. Barnett concluded by saying that the British people were very innovative and practical and had proven they would relish the opportunity to ensure the success of the federalist project if leaders were willing to see it through.

Mr. Barnett was then followed by Labour MP **Graham Allen** who began by stating that in Britain "we have a democratic culture, but we have no democratic structure" but without both, "we cannot guarantee our democratic future." He went on to explain his two most important policy concerns as an MP: what he dubbed "Democratic Change" and "Early Intervention." He claimed to favour democratic change because he believed the absence of a written constitution in Britain constantly threatened the democratic culture and rights of people across the UK. He also explained his position as an advocate of early intervention because he believed that a centralised structure was much more difficult to correct when it made mistakes than a localised one which could intervene quickly to correct problems in policy or policy implementation. Allen was not concerned so much with the political and theoretical foundations of a federalist structure but rather the more practical aspects of federalism in wresting power away from the wealthy elite in Westminster and toward more responsive regional and local entities whom he claimed were more in tune with the realities of ordinary citizens.

Referring to Westminster, at one point Allen stated, "the executive runs this place." He went on to conclude that federalism is the system of government which best guarantees democratic structures because it allows people, particularly at the more local level, to take part in economic and social decisions. Allen was interrupted by the bell signalling a vote call but returned to the discussion immediately after.

Upon his return, Allen explained that the current governmental structure in the UK operated in a "one size fits all" fashion whereas experience had shown him that "I need to make things work locally." Allen cited the amount of time wasted

due to structural inefficiencies and lack of communication between localities and the centre. He claimed half his time was spent as an intermediary between Whitehall and his Regional Authority simply to ensure that his constituents and their needs were taken care of. He added that localities have a very real contribution to make to national governance by putting new ideas to the test and adopting or at least suggesting successful solutions to other regions or the national government as a whole.

Concerning the prospects of a more federal UK, Allen offered a rather bleak prognosis. He regretted that Labour had not made better use of twelve years of a large majority to generate the necessary public support to adopt a federal framework and other democratic reforms such as a codified bill of rights and constitution as well as legitimate representation in the House of Lords.

Asked how a representative of Nottingham could also be an advocate of a regional government like the East Midlands, Allen responded that on his policy agenda, the importance of creating a regional government was low down on his list, compared to the creation of an independent local government which was number two. He clarified his position by stating that he was an advocate of regional government because he believed it benefited his constituency but that the beauty of a democracy was that others were allowed to debate and disagree with his position.

Allen went on to explain that local government would be an important feature of the federal system because there would be a direct relationship between taxes paid by citizens and services rendered by local governments. He concluded by stating that his advocacy for a federal system rested on the idea that people should be allowed to decide how it is they want to be governed rather than being forced to adopt legislation debated and drafted in a far-off Westminster.

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