

- Review of the background to devolution
- Past attempts to introduce devolution
- Analysis of the reasons why devolution was introduced after 1997
- How devolution was implemented in various parts of the UK
- Analysis of different political attitudes towards devolution
- Speculation as to how successful the implementation of devolution has been

BACKGROUND

Movements which were dedicated to the introduction of greater self-government for Britain's national regions can be traced back as far as the nineteenth century. There has been a Scottish Nationalist movement for over a century although the Scottish National Party (SNP) did not come into existence until 1928. Welsh nationalism is a younger phenomenon, but Plaid Cymru – the Welsh Nationalist party – does date back to 1925. Both these movements were certainly influenced by the fact that Ireland had been granted virtually full **independence** in 1921.

The situation in Northern Ireland has been, quite clearly, very different. The full circumstances of nationalist movements are described in a separate chapter of this book. It should, however, be emphasised that Northern Ireland was granted devolved government in 1921 and enjoyed a large measure of independence until 1972 when direct rule from London was established. Since 1972, the idea of devolution receded in Northern Ireland. The republican or nationalist communities wanted to see re-unification with the Irish Republic. The Loyalists or Unionists were more concerned with resisting nationalism than with re-establishing devolved government.

independence

If one of the countries of the UK became independent it would become a separate sovereign state, with full sovereign powers and a separate independent seat in EU institutions and the United Nations. It would also cease to recognise the authority of the crown.

The origins of devolution

Much of the background to the **devolution** movement refers specifically to Scotland and Wales for reasons described above. Despite the long history of nationalism, the modern devolution story really begins in the 1970s. In that decade there was a distinct rise in nationalist feeling. The most obvious symptom was an increase in voting for nationalist parties at elections. The SNP had 1 seat at Westminster up to 1970. By the October 1974 election, however, the party had 11 seats as a result of winning over 30 per cent of the vote in Scotland. Plaid Cymru secured 11.5 per cent of the vote in Wales in 1970 but no seats. However, by October 1974 it had 3 seats and had established itself in Welsh politics.

devolution

The transfer of powers to regional assemblies and executives, but not sovereignty, i.e. powers can be taken back by the central authority.

The reasons why there was an upsurge in nationalist voting in Britain in the 1970s are complex, but a number of key strands can be identified.

- 1 The poor performance of the British economy in comparison with most of Europe and the United States was blamed on inadequate government in London. In Scotland and Wales there was a feeling that locally based government could do a better job. It can be noted that there was a simultaneous rise in voting for the third party – the Liberals – in the 1970s. This was a further indication of disillusionment with the performance of the two main parties.
- 2 More specifically, the decline in traditional industries was under way by the late 1960s. These industries, including iron and steel, shipbuilding, coal and engineering were heavily concentrated in Wales and Scotland. The decline caused a great deal of resentment against English government. This was exacerbated by the fact that the south-east was becoming noticeably more prosperous than the rest of the kingdom. So the gap in economic well-being between England (especially the south) and Wales and Scotland was widening.
- 3 During the second half of the 1960s there was a widespread movement, largely among the young, who had become dissatisfied with political authority in general. There were demonstrations and riots throughout Europe and the United States, often led by a coalition of students and workers. Although most of this revolutionary youth movement demanded such reforms as women's rights, racial equality, greater democracy and extensions of civil rights, it also had the effect of creating new recruits for nationalist movements.
- 4 The discovery of huge deposits of oil in the North Sea gave an enormous boost specifically to Scottish nationalism. The oil had two effects. Firstly, it suggested that Scotland could become a viable independent country if it enjoyed use of this hugely valuable national resource. Secondly, it was claimed

by Scots that the tax revenues from the oil (in the form of petroleum revenue tax) were mainly being used to the benefit of England, though most of the oil was geographically in Scottish waters.

Why devolution?

The nationalists were, on the whole, interested in full independence. In the 1970s this was an impossible aspiration. The union of the United Kingdom was strong and the people of Scotland and Wales would certainly not have voted for it. Neither of the main parties could have survived politically had they advocated independence. But the challenge of nationalism had to be met. Compromise was, therefore, in the air.

Federalism had to be considered. This would have involved the transfer of large degrees of actual sovereignty to regional bodies. There were plenty of models to choose from, including the USA and Germany. But again this looked to be too close to independence for most Westminster politicians to stomach. Granting powers to Scottish and Welsh Parliaments which could not be ultimately controlled or taken back by Westminster was simply too radical to succeed.

federalism

The transfer of sovereignty to regional government. These powers could not be restored, i.e. the new arrangement would be entrenched.

The solution was to propose something similar to the Northern Ireland form of government which had existed before direct rule was imposed in 1972. This became known as 'devolution'. A Royal Commission – the Kilbrandon Commission – had developed the idea for Scotland in 1973. The word 'devolution' was a new one in British politics. It reflected the idea that power could be transferred to a region, without ceding actual sovereignty. In other words, the national governments would be semi-independent, but would always be subject to oversight from London. Devolution was, therefore, adopted as the compromise. It was hoped that it would satisfy moderate nationalist opinion, but also be acceptable to MPs at Westminster.

subsidiarity

A principle of the European Union established at Maastricht in 1992. It requires that government should be carried out at the lowest level possible. It implies that many powers should be developed to regional and local bodies.

The failure of devolution in the 1970s

The Labour government which was elected in October 1974 enjoyed a very narrow parliamentary majority. It was therefore clear that it would need to rely on the support of smaller parties to survive for long. The small parties in question were the Liberals, the SNP and Plaid Cymru. All three were pressing the government for some transfer of powers to Scotland and Wales. The

Labour party itself was split on the issue. The Scottish and Welsh Labour MPs were mostly in favour (with the notable exception of Tam Dalyell, the West Lothian MP who remained implacably opposed for many years to come and was to play a key part in the devolution story in the 1990s). These MPs saw and feared the rise of nationalist sentiment. Their seats were, after all, in danger from the new movement. Most English Labour MPs were less enthusiastic but many recognised that support for devolution might be essential.

The new Labour government had shown a lukewarm commitment to devolution and this was reflected in a series of abortive attempts to push legislation through the House of Commons. By 1976 the position of the government had become critical. It had lost its majority altogether as a result of by-election defeats and was hanging on to a shaky alliance with the Liberals – the so-called Lib–Lab pact. It was time to press for devolution more decisively.

The Scotland and Wales Bills, which appeared in 1977, revealed a limited set of proposals for the transfer of power to elected bodies in the two countries. However, the Liberals were reasonably satisfied and agreed to support the government. This would secure a majority for the government in favour of the measure. At this point, however, a group of dissident Labour MPs (including Tam Dalyell) entered an alliance with the Conservatives which was to deal the devolution movement a mortal blow.

In January 1978 an amendment was passed to the Scotland and Wales Bills concerning the referendums which were required to approve devolution. The original legislation required only a simple majority vote. The amendment, however, required that approval would be needed from at least 40 per cent of the *total electorate*. Given that it was expected that up to one-third of the electorate would not vote, this was a difficult threshold to meet. In March 1979 the Welsh voted decisively against devolution in any case, but the Scots produced a ‘yes’ vote. But only 33 per cent of the Scottish electorate had approved, so the Conservative amendment had its desired effect.

The political fallout was dramatic. Apart from the subsequent events, political commentators pointed out how unusual the events of 1978 had been. The House of Commons had defeated the government on a major piece of its legislative programme. This was something which had not been seen since World War II. The government was clearly doomed. Shortly afterwards a vote of no confidence was passed and prime minister Jim Callaghan resigned. The election which followed ushered in eighteen years of continuous Conservative government.

Apart from a failed experiment with devolution in Northern Ireland during 1982–84, devolution was put on the political back burner. Nationalist sentiment declined markedly as prosperity began to rise in the second half of the 1980s. We can identify three main reasons for the failure of devolution in 1978–79:

- 1 In the end there was simply insufficient enthusiasm for devolution, especially in Wales.
- 2 In London there was not sufficient political will within the Labour party to force the measure through. The small number of MPs who defied the whips and supported the Conservative referendum amendment in 1978 were in fact representative of wider opposition in the party.
- 3 Devolution was an idea whose day was coming, but 1979 was too early. It would take a more worldwide movement for nationalism in the 1990s to see Scotland and Wales swept along to partial self-government.

As we shall see, by the second half of the 1990s the conditions described above had been reversed so the whole devolution picture was transformed.

THE DEMAND FOR DEVOLUTION IN THE 1990S

As we have seen, there was a lull in interest in devolution for most of the 1980s. The prosperity of the mid-1980s helped to head off nationalism temporarily, but it re-emerged after the 1987 general election. The reasons for this were very different to the circumstances of the 1970s. Among them were:

- Under Margaret Thatcher's three administrations the Scots and Welsh began to resent the fact that, however dominant the Conservatives might be in England, their mandate in the two countries was weak. In Scotland, where there were 72 parliamentary seats, the Conservatives won only 22, 21, 11 and 10 seats respectively in the elections of 1979, 1983, 1987 and 1992. In Wales's 38 seats, the Conservative showing declined from 14 in 1983 to only 6 in 1992. So, as Conservative support in the two countries declined, demands for self-government grew.
- The Labour party in Scotland and Wales felt threatened by a new growth in nationalist voting. They feared they may suffer the same fate as the Conservatives. The Scottish Labour party in particular changed its attitude markedly during the late 1980s.
- In Scotland there was huge resentment at the fact that the unpopular poll tax had been introduced there one year earlier than in England and Wales. Many Scots felt they were being used as mere guinea-pigs, a trial run for the wider introduction of the tax. It was a hated measure in Scotland and resulted in the collapse of support for the Conservatives.
- The Scottish Constitutional Convention of 1988, which was led by the Labour party, but also contained a wide range of Scottish political opinion, came out firmly in favour of devolution as a solution to Scotland's problems.

- In 1993 the Welsh language gained official recognition. Signs and documents were to be in two languages, Welsh was to be offered in all schools and individuals could opt to speak Welsh in court cases. This created a fresh impetus for Welsh nationalism.
- On a global level, the end of the Cold War saw a huge upsurge in national feelings all over the world. This new spirit of nationalism and the desire for popular self-determination spread to Wales and Scotland.
- John Smith, who took over the Labour leadership in 1992, was a convinced devolutionist.
- As we see in this book's chapter on constitutional reform (11), the Labour party in the 1990s believed it would probably need the co-operation of the Liberal Democrats to secure and retain power. Devolution was a key policy for the Liberal Democrats so it made pragmatic sense for Labour to adopt it as a firm proposal.

Devolution, therefore, was made a priority by the incoming Labour administration of 1997. It wasted little time in bringing forward the legislation.

HOW DEVOLUTION CAME ABOUT

Principles

The Scottish Constitutional Convention which had reported in 1988 provided the blueprint for a devolution settlement. However, when Labour was constructing its election manifesto in 1997 it adopted three key principles.

Firstly, it differentiated between Scotland and Wales. In Scotland, where it was expected that the people would embrace devolution enthusiastically, there was to be a parliament with extensive legislative powers. The Scots were also to be offered some control over taxation. In Wales, where approval was not ensured, it was decided that legislative power could not be devolved and there was to be much less financial flexibility there. This proved to be a wise device. Nothing less than a Scottish Parliament would do for the nationalists there, but the Welsh might certainly be frightened off if too much power were offered.

The second principle was the intention to use a form of proportional representation – the additional member system – when electing the Scottish Parliament and Welsh Assembly. It was essential that devolution was not seen as an attempt to tighten Labour's grip in the two countries. Under first-past-the-post Labour would probably have won outright majorities, just as it had done in Westminster elections. This would have defeated the object of

devolution, which was to disperse power and not centralise it. Much as the Labour party might have liked to control the new governments, it had to be pragmatic in relinquishing full power. It was part of the price of making devolution acceptable. Furthermore, it was vital that the nationalist parties be given their fair share of the seats. The additional member system was the ideal way of achieving this.

Thirdly, there were to be referendums on the devolution proposals. This was needed for a number of important reasons:

- New Labour accepted the general principle that *any* major constitutional change would require popular approval.
- A positive referendum result would head off opposition from UK unionists and Conservatives.
- It was vital to secure popular consent for the measures in Scotland and Wales. Without it the new institutions might not command respect.
- Referendums would help to 'entrench' the changes. In other words it would make it very difficult for any future government to unravel devolution, at least without a further referendum.

The programme

The progress towards devolution proved to be relatively smooth. The steps were as follows. In some ways they can be seen as a model of how constitutional change can be effected in a parliamentary democracy such as Britain's.

- 1 Labour, of course, had to win the general election with devolution as a clear part of its manifesto. This would provide a mandate for change. It was important for Labour to win decisively to prevent any questioning of its authority to carry through radical changes. This was achieved comfortably.
- 2 It was not just important for Labour to win. It also needed to win well in Scotland and Wales. A resurgence of Conservative voting there would call the devolution idea into question. If, on the other hand, the nationalists were to make significant gains, it would suggest that the proposals were not radical enough. In the event, the Conservatives failed to win a single seat in Scotland and Wales in 1997. The nationalist parties, meanwhile, made little progress. Labour support held up well, suggesting that it had got its devolution plans about right.
- 3 Before the legislation was to be considered, referendums were held. These took place in 1997, soon after the general election. Two factors were important in these referendums. Firstly, there needed to be a good turnout. In the event just over 60 per cent of Scots voted – just enough to give the result authority. In Wales, however, the turnout was only just over 50 per cent and this has certainly had the result of reducing the effectiveness of Welsh

self-government. Secondly, of course, a 'yes' vote was needed. There were no problems in Scotland: 74.3 per cent voted in favour of devolution and 63.5 per cent voted separately for the tax-varying powers which had been hotly contested in the general election campaign. In Wales, however, the 'yes' majority was only 50.3 per cent. Nevertheless, the government decided to approve Welsh as well as Scottish devolution.

- 4 The legislation had to be passed. With a huge parliamentary majority, this was unlikely to be a problem and so it proved. The only major stumbling block was the proposal to allow the Scottish parliament to vary UK income tax in their own country by 3 per cent up or down. The Conservatives had dubbed this a 'tartan tax' – a means of raising taxes by stealth (so-called 'stealth taxes' had formed a major element in the Conservatives' 1997 election campaign). The new government, however, was not to be diverted and the legislation – the Scotland and Wales Acts – survived largely intact. The Acts were passed in 1998.

THE ARGUMENTS FOR AND AGAINST DEVOLUTION

For

- There has been a growing popular demand for more self-government in the national regions.
- The national regions have different needs to England which should be reflected in stronger regional government.
- By conceding devolution the demands for fuller independence will be headed off, thus preventing the break-up of the United Kingdom.
- It is more democratic because government will be brought closer to the people.
- It will reduce the workload of the British parliament and government.
- It recognises the new idea of a 'Europe of the regions' rather than separate states.

Against

- Conservatives in particular believe it may lead to the break-up of the United Kingdom because demands for independence will be fuelled by devolution.
- It was argued that demand for devolution was over-exaggerated, especially in Wales, so it was unnecessary.
- It creates an extra layer of government which will increase costs to the taxpayer.
- In Scotland it was feared that taxes there would inevitably rise because Scotland is less prosperous than the United Kingdom as a whole.
- It will lead to confusion because there is an additional layer of bureaucracy.
- Nationalists have argued that devolution does not go far enough. British government has retained all the important powers for itself.
- Nationalists also argue they should have a separate voice in Europe but devolution does not give them this.

- 5 The final hurdles were the actual elections to the Scottish Parliament and Welsh Assembly. Would enough people turn out to vote? Would the results be such that it was possible to form viable governments. As with the referendums, support in Wales was lukewarm, with a turnout of 46 per cent. In Scotland, there was a better result – 58 per cent – but there was still some concern that too few people were interested in the devolution project. The results by party, however, were more encouraging. Though Labour dominated both elections, the party failed narrowly to win overall majorities in both countries.

So it was that, in 1999, the Scottish Parliament and Welsh Assembly came into existence. The Scottish Executive was formed from a coalition between Labour and the Liberal Democrats. Donald Dewar, the Labour leader in Scotland (who had died by 2001) became the country's first minister. In Wales, Labour formed a minority executive under Alun Michael. Michael was replaced by Rhodri Morgan in 2001 following a kind of coup d'état by Labour assembly members. In the same year Labour gave up trying to govern with a minority and formed a coalition with the Liberal Democrats. In both countries the main opposition duties are shared between the Conservatives and the Nationalists.

DEVOLUTION IN SCOTLAND

The Scottish Parliament

This came into existence, after a gap of 292 years, in 1999. There are 129 seats; 73 of the seats are elected by normal, first-past-the-post constituency elections. The other 56 seats are the result of voting for party lists, where each party is awarded seats from its list according to a combination of what proportion of the votes were won by them in both the constituency and the party list elections. In other words each Scottish voter has two votes – one for a constituency MSP (Member of the Scottish Parliament), the other for a party. The electoral system is known as the additional member system (AMS). The parliament sits in Edinburgh. It has fixed electoral terms. Elections take place every four years. Following the first elections to the Scottish Parliament in 1999, the strength of the parties was as shown in table 12.1.

Table 12.1 Allocation of seats in the Scottish Parliament after 1999

Party	Seats won
Labour	56
Scottish Nationalist	35
Conservative	18
Liberal Democrat	17
Others (Green and Independent)	3

We can see that no party won an overall majority in the Parliament. As the largest party, Labour were asked (by the British government) to form an executive. They did so, but decided they would have to form a coalition with the Liberal Democrats. The coalition's joint tally of 73 seats gave them a comfortable overall majority.

The powers and functions of the parliament

It is important to note that the Scottish Parliament was granted the power to make **primary legislation** in selected areas. The term primary legislation essentially means two things. Firstly, it refers to the laws as we understand them: what is prohibited, how organisations must behave, what responsibilities citizens are expected to carry out. Secondly, it grants powers to other bodies to make regulations and rules which are as binding as other laws. We call this **enabling legislation**. Thus, for example local authorities, members of the executive and other public bodies will be given powers to make **secondary legislation**. Secondary legislation involves orders which do not need to be passed through the same process as primary legislation. They are simply announced and become law if there is no successful objection to them in parliament.

The decision to grant powers of primary legislation was crucial to Scottish devolution. It meant that the Scots were given the opportunity to make themselves and their society distinctive. It should also be remembered that Scotland has always had its own laws, especially criminal and civil law, but that after 1707 these laws were made by the British Parliament in Westminster. In

Functions of Scottish Parliament

- 1 To pass primary legislation in those areas of policy making which have been devolved to Scotland.
- 2 The main policy areas devolved are: criminal law; civil law; education; social services; local government; building and planning regulations; agriculture; fisheries; health; transport; emergency services.
- 3 To determine the level of income tax to within 3 per cent higher or lower than the general British rate set in Westminster.
- 4 To approve the overall Scottish budget.
- 5 To call the executive to account for its actions and policies.
- 6 To elect a first minister to form the executive (i.e. government).
- 7 To form committees to scrutinise legislation and the work of Scottish executive departments.
- 8 To oversee and scrutinise secondary legislation produced by Scottish ministers, local authorities and other public bodies.

other words the final say on Scottish law rested with the British government. With its own primary legislating powers after devolution, however, Scotland was granted a significant amount of autonomy. As we shall see below, the Welsh Assembly was not granted the power to make primary legislation and so has to consider itself very much an inferior body.

Constraints on Scottish Parliament

- 1** It can only pass legislation in areas allowed under devolution legislation.
- 2** It cannot pass legislation which conflicts with British law.
- 3** It cannot pass legislation which conflicts with European Union law.
- 4** Its legislation must conform to the European Convention on Human Rights.
- 5** It cannot raise its own national taxes, other than a 3 per cent variation in income tax levels.
- 6** It cannot amend the devolution legislation, i.e. it cannot change the system of government in Scotland.

The Scottish Executive

The term 'executive' is used in the devolved systems to replace 'government'. This is to avoid confusion with British government in London.

The Scottish Executive is headed by a first minister, who is effectively the Prime Minister of Scotland, without being given that title. The first minister is effectively chosen by being leader of the largest party in the parliament. However, he or she must be elected to office by the whole parliament.

The rest of the executive is formed by the heads of the various departments which make up Scottish government. The role of the executive is as follows:

- 1** To formulate policy for Scotland and draft appropriate legislation to be presented in parliament.
- 2** To negotiate with the British government for funds.
- 3** To implement policies which have been developed within the executive and approved by the Scottish Parliament.
- 4** To make decisions under powers delegated to it by either the British or the Scottish Parliament.
- 5** Liaison with the British government where there are overlapping functions such as law enforcement, environmental and industrial policies
- 6** To negotiate with institutions of the European Union (though Scotland has no seat at the Council of Ministers) for regional funds and favourable policies.
- 7** To organise and oversee the provision of services by executive departments (i.e. the Scottish Civil Service), local authorities and other public bodies.

DEVOLUTION IN WALES

The Welsh Assembly

In Wales, the representative body is known as an assembly rather than a parliament. This reflects the fact that it has considerably fewer powers than its Scottish counterpart. In particular, it has no powers to make any primary legislation. This is a key difference. It means that the British parliament and government still rules Wales.

The assembly was elected at the same time as the Scottish Parliament, using the same AMS electoral system. There are 60 seats in all. They were allocated as shown in table 12.2.

Table 12.2 Seats in the Welsh Assembly after 1999

Party	Seats won
Labour	28
Plaid Cymru (Welsh Nationalist)	17
Conservative	9
Liberal Democrat	6

As in Scotland, Labour failed to win an overall majority but was the largest party. However, unlike in Scotland the party decided to try to govern alone, without a coalition party. Within two years this proved to be impractical and so they formed a coalition, again with the Liberal Democrats.

The assembly meets in Cardiff and, as with Scotland, has a fixed term of four years.

The powers and functions of the Welsh Assembly

The following list indicates the main policy areas devolved to Wales:

- education;
- social services;
- local government;
- building and planning regulations;
- agriculture;
- fisheries;
- health;
- transport;
- emergency services.

The most important element of Welsh devolution is that the assembly (note that it is not called a Parliament) does not have the power to make primary

legislation. This means it has to rely on Westminster for all its legislation. This is a considerable limitation. What is left to the Welsh Assembly, therefore, is as follows:

Functions of Welsh Assembly

- 1 It calls the Welsh Executive to account by questioning department heads both in committee and through the full assembly.
- 2 It elects the head of the Welsh Executive. It can also dismiss him/her.
- 3 It discusses Welsh affairs and makes resolutions which they hope will be influential on London and on Cardiff.
- 4 It discusses the implementation of policy on Welsh affairs.
- 5 It attempts to direct the Welsh Executive in its implementation of policy and allocation of funds to various uses.
- 6 It debates and requests changes to the Welsh budget.

Constraints on Welsh Assembly

- 1 It cannot pass primary legislation.
- 2 It cannot grant powers to members of the Welsh Executive.
- 3 It cannot call London government to account directly.
- 4 It cannot raise any special taxes in Wales.

The Welsh Executive

This is, to a large extent the government of Wales. However, because relatively few powers were devolved it must share this function with London, the Welsh Office in particular. The head of the executive is elected by the assembly and he/she appoints the heads of the Welsh departments. These department heads are accountable to the assembly, which can, effectively remove them. As we have seen above, the first Welsh Executive was a Labour minority government, but has since become a Labour/Liberal Democrat coalition.

The functions of the executive are as follows:

- to allocate funds, which are provided by the British government, among competing needs such as health, education, transport and industrial development;
- to negotiate with the Welsh Office in London for those funds;
- to negotiate appropriate legislation for Wales with the Welsh Office;
- to organise the implementation of devolved policy areas in Wales;
- to represent the interests of Wales at various institutions of the European Union, even though Wales is not separately represented in the Council of Ministers.

AN EARLY EVALUATION OF DEVOLUTION IN WALES AND SCOTLAND

Before attempting to assess how well devolution is working it is useful to consider what pieces of evidence we should look for. If we are to judge devolution a 'success' what are the signs to look for. Here are some suggestions:

- 1 High turnout at elections.
- 2 Public opinion surveys indicating high levels of satisfaction with devolved government.
- 3 A rise in the sense of 'national identity' in the two countries. This may be assessed by surveys, but is generally difficult to judge and the evidence is likely to be uncertain.
- 4 Have Scotland and Wales developed significantly different policies from those which apply in England? Let us remind ourselves of why devolution was introduced: because it was felt that Scotland and Wales may have different needs and demands to England. If this assumption is true, it must follow that there will be differing policies. In this respect, it is clear that Scotland, with powers of legislation, is bound to have become more independent.
- 5 Arguably, we could consider whether demands for federalism or full independence have subsided. If they have, devolution could be said to have achieved one of its objectives – to satisfy demands for more self-government. If not, it could be argued that devolution has failed in its primary objective.

At the time of writing, devolution is only a few years old and it is too soon to make a valid assessment. However, the early signs are interesting. Overall indications certainly suggest that devolution has been more successful in Scotland than in Wales.

Wales

There are signs of general dissatisfaction with Welsh devolution. The experiment got off to a bad start when the first chief executive, Alun Michael, was seen as merely a puppet of Labour party headquarters in London. It was suspected that he had been put there in order to prevent any radical policies emerging from Wales. He was replaced by the more popular Rhodri Morgan who has proved to be much more acceptable to the people of Wales.

During the foot-and-mouth epidemic, the Welsh Executive was heavily criticised (Wales is more agriculturally based than England) for failing to take Wales's different interests into account. Indeed there has been a general feeling among Welsh farmers that devolution has not fulfilled its promise.

At the same time, surveys indicate low levels of interest in or support for Welsh government. It seems to have made little difference – a reflection of its limited

powers. Part of the low public esteem of the assembly has been the high degree of adversary politics and party 'in-fighting' which has been seen.

Having said this, there is no sign of growing Welsh demands for full independence. This suggests a successful outcome. The head of the executive – Rhodri Morgan – has proved to be personally popular and has given Wales some sense of independence.

Scotland

The picture here looks brighter for devolution. The first indication is that Scottish government has made a difference in some areas. Four examples are interesting:

- 1 The foot-and-mouth crisis was handled more successfully in Scotland and it escaped the worst effects.
- 2 The Scottish Parliament forced through a measure to make all care of the elderly in special homes free on demand (only medical care is free in England and Wales).
- 3 The extra tuition fees for Scottish higher education students was abolished. It was retained in England and Wales.
- 4 While the British House of Commons was locked in an exercise of mutual frustration with the Lords over foxhunting, the unicameral (single chamber) Scottish parliament had little difficulty in responding to public demands for its abolition.

While these legislative innovation were taking place, the feared rises in Scottish taxation have not emerged. Surveys indicate reasonable levels of satisfaction with the operation of the Scottish Parliament and executive. As in Wales, there are also few signs that demands for full independence are rising. The Scottish National Party made no progress in the general election of 2001 – a sure sign that nationalism remains quite weak.

On the other hand, there is little evidence of a stronger sense of Scottish identity emerging. There has always been a strong sense of Scottish cultural identity, but there is little evidence that this is turning into patriotism, which involves pride in one's political institutions.

NORTHERN IRELAND

Devolution in Northern Ireland has to be seen in the context of the Good Friday Agreement of 1998, which is described in the chapter on Northern Ireland (10). However, we can identify a number of reasons why devolution

in Northern Ireland had to be very different in character from the constitutional developments in Wales and Scotland.

There is a deep sectarian divide in Northern Ireland. This is more fundamental in character than the division between those English people who favour a close union within the United Kingdom (largely Conservatives) and those who wish for more independence in Scotland and Wales, mostly nationalists and liberals. The Northern Ireland devolution arrangements had to take into account the fact that, in many policy areas, it would be difficult to find any consensus.

The normal, 'British' model of parliamentary government tends to ensure that a clear *majority* government emerges. Both the electoral system of first-past-the-post and the practice of forming executives from one single party, or at least *dominated* by one party, have ensured one-party government. In Wales and Scotland, Labour is the dominant party in the new executives and is likely to remain so for some time, even though it has a junior coalition party. In Northern Ireland the domination of all political life by the Protestant Unionists from 1921 to 1972 was the main source of discontent. A new system which simply restored majority Unionists rule would be unacceptable. Devolution, therefore, had to break the Unionist hegemony.

The electoral system had to reflect the diversity of the political community in the province. It is too simplistic to think of it as a duopoly of Unionists and Nationalists. The two communities have their own internal divisions, largely along the lines of moderates and extremists. There is also a large part of the political spectrum which does not hold dominant views on the relationship with the UK. They are interested in such issues as economic development, relations with Europe, agriculture and fisheries or women's rights. They have, in the past, been swamped by the Unionist–Nationalist split. So it was essential to develop a *pluralist* political system where all groups could participate.

It was clear that a power-sharing system was needed, for reasons described above. This meant that there would have to be a great deal of *innovation*. Devising ways of ensuring that political decisions are only made with a *consensus* of support is not easy and requires original thinking. This is especially true when there is a very fundamental division within the community. The Scottish and Welsh settlements were something of a combination of the British parliamentary system and coalition systems which are common on mainland Europe. Such a compromise was not appropriate in Northern Ireland. A unique settlement was therefore forged, not like any seen in the more stable political systems of Europe.

For these reasons devolution in Northern Ireland is very different from the rest of Britain. Having said that, the actual powers which were devolved to the

Northern Ireland Assembly and executive are not dissimilar from those transferred to Scotland. The main powers are:

- primary legislation;
- education;
- health;
- social security;
- social services;
- transport;
- agriculture and fisheries;
- local government;
- environment;
- housing and planning;
- regional industrial development.

This is an extensive list, but the most important functions of the state remain in the hands of the British government, the Northern Ireland Office in particular. These include:

- defence and foreign policy;
- relations with the Irish republic;
- security and policing;
- economic policy;
- taxation.

The governmental system has three main features designed to achieve the objectives described above. They are:

The electoral system

This is the **single transferable vote (STV)**, as used in the Republic of Ireland. It is a complex system whose essential features are as follows:

- There are multi-member constituencies, normally four.
- Each party can put up as many candidates as there are seats.
- Voters can vote for all candidates, placing them in order of preference.
- The result is based on counting, not just of first preferences, but also subsequent choices, right down to near the end of the list.
- The complex counting system ensures that some of the elected candidates are those who have the support of a wide range of the community, not simply their own party supporters.
- The system also ensures that those from small parties and independents have a chance of winning seats.

The result of the first election (table 12.3) demonstrates that STV achieved its objectives – to reflect the diversity of the community and to prevent any party winning an overall majority.

Table 12.3 Northern Ireland election result, 1999

Party	Seats won
Ulster Unionist	28
Social Democratic Labour party	24
Democratic Unionist	20
Sinn Fein	18
Alliance party	6
Northern Ireland Unionist	3
United Unionist	3
Women's Coalition	2
Progressive Unionist	2
UK Unionist	1
Independent Unionist	1

The result is highly proportional, reflecting very closely the division of political support for parties and candidates. Even the additional member system, as used in Wales and Scotland, does not produce such a proportional result.

Legislation

The legislative procedure of the Northern Ireland assembly is relatively simple. However, it must be emphasised that the make-up the assembly, which prevents an overall majority by one side of the community, means that a broad consensus must be found. Furthermore, the standing committees of the assembly which consider amendments are also constructed so there is no single party majority.

As in Scotland, all legislation must conform both the European Convention on Human Rights and to any European Union legislation which is binding on the UK, Naturally, the assembly can only make laws concerning powers granted to it by the devolution settlement.

The executive

It is perhaps the method for the formation of the executive that is most unusual in Northern Ireland. As with all the other arrangements the main objective has been to ensure consensus and prevent single party domination. The main features are:

- The first minister must be approved by both sides of the sectarian divide in the assembly. However, it is accepted that the first minister will be the leader of the largest party. David Trimble, Ulster Unionist leader, was therefore the clear choice in the first executive.
- The deputy first minister comes from the other community from the first minister. This creates a balance in the senior positions. Thus the first deputy first minister was Seamus Mallon from the Nationalist SDLP.

- The rest of the 12-strong executive is drawn from the various parties according to the number of seats won in the assembly (by a method known as *d'Hondt*). This ensures that some of the smaller parties may achieve some representation in the executive. The parties are free to nominate whom they wish (provided they are assembly members) to fill their allocation. Controversially, this system meant that Sinn Fein were able to choose two members. One of them, Martin McGuinness, was an acknowledged former IRA terrorist. This resulted in the extraordinary situation that a Republican extremist sat in the same executive as the moderate Unionists, their former avowed enemies. The more extreme Unionists, Iain Paisley's Democratic Unionists, were unable to face sitting down with Sinn Fein and decided not to take up their two seats.

So, despite teething problems, this innovative system achieved the apparent impossibility of creating an executive in which bitter political enemies from the past could coexist. It remains an uneasy set-up, but it survived into 2002 despite a number of crises and suspensions.

The real test, of course, remains whether the executive can achieve meaningful change in Northern Ireland. Certainly progress has been made in the restructuring of agriculture, improving higher education, in supporting the important fishing industry and in securing funds for industrial development. There has also been a good deal of innovation in urban re-development and support for the arts. In under-18 education, a key area given the trouble background of the province, attempts are under way (led by controversial education minister Martin McGuinness) to create more non-sectarian schooling. Little has yet been done, but at least the issue is on the political agenda.

Above all, however, the main success of Northern Ireland devolution is that it has survived (four years at the time of writing). Violence has not disappeared but has abated and most terrorists have been marginalised. It is believed that the longer the new institutions survive, the greater the hope for a lasting peace.

THE FUTURE OF DEVOLUTION

Three years after its introduction, devolution appears to be reasonably well established. The Conservative party has dropped its opposition and has committed itself to leaving the new system in place. At the same time they vehemently oppose the transfer of any more powers. As long as there is no major decline in support for the institutions, devolution may be here for many years to come. Of course, the Northern Ireland settlement is more fragile for its own special reasons, but there is greater permanence already established in Wales and Scotland.

The key question is whether there will be any further extensions in decentralisation. The possible options are:

- 1 There may be devolution to English regions, perhaps along the lines of the Welsh arrangements. Labour was committed to this in 1997, but seems to have dropped the idea. There is some administrative devolution through regional development agencies, and twelve Civil Service offices, but there is no sign of elected assemblies.
- 2 The Welsh Assembly might be granted powers to make primary legislation. As devolution has not established itself well there, this remains a distant prospect.
- 3 Greater tax raising powers may be given to Scotland and Northern Ireland. This may hold back demands for greater independence of a more fundamental nature.
- 4 There may be demands for federal system, as favoured by the Liberal Democrats. This would not necessarily involve the transfer of any new powers and functions, but would make the transfer of power more permanent, preventing Westminster taking its powers back in the future. In short it would mean the transfer of sovereignty rather than mere power.
- 5 Full independence might follow in due course. Certainly if a future Scottish Parliament and referendum were to vote for it there would be a major constitutional problem. Could the British Parliament resist Scottish calls for independence? Wales and Northern Ireland are a long way from such a development. Indeed in the case of Northern Ireland, reunification with the rest of Ireland is as likely as independence.

SAMPLE QUESTIONS

- 1 Why was devolution introduced in the UK at the end of the twentieth century?
- 2 For what reasons was devolution opposed?
- 3 Why did devolution vary in Scotland, Wales and Northern Ireland?
- 4 In what senses has devolution been a success?
- 5 Will devolution lead to the break-up of the United Kingdom?

