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Institute of Welsh Affairs

# **Unique Paths to Devolution**

## **Wales, Scotland, and Northern Ireland**

**Arthur Aughey, Eberhard Bort, John Osmond**



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£7.50

ISBN 978 1 904773 56 6  
February 2011

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## Introduction

Home Rule and what later became known as devolution are not new concepts. In the late 19<sup>th</sup> Century ‘Home Rule all round’ was on the agenda for all four nations of the British Isles, prompted by a strong demand from Ireland. However, support for the idea has ebbed and flowed over the past hundred years.

The United Kingdom is a multinational state. It has often been described as a unitary state, although “the UK is best conceived as a union state rather than a unitary state” (Mitchell, 2009: vii). England, Scotland and Wales are nations. Even Cornwall has some claim to be one of the ‘Celtic nations’. The Union between England and Wales and Scotland in 1707 created a new state “without the eradication of pre-existing nations” (Mitchell, 2009: 9). But the way Wales and Scotland came to be part of this United Kingdom was very different, and that had bearings on the unique paths Wales and Scotland travelled *en route* to devolution.

Northern Ireland is a special case. As a former part of the nation of Ireland, it was incorporated into the United Kingdom of Great Britain and Ireland in 1801. Somewhat against its own will it achieved Home Rule in 1922, when Ireland was partitioned into the 26 counties of the Free State and the six counties of Northern Ireland. For the subsequent fifty years it was run by the Ulster Unionist Party until, following the outbreak of the ‘Troubles’, the governance of Northern Ireland reverted to direct rule from London in 1972. Various attempts at restoring devolution, with a power-sharing government at Stormont, failed. Eventually, the Belfast Agreement of 1998 laid the foundations for a Northern Ireland Assembly and the devolution of powers to a government answerable to that Assembly.

Under William Wallace and Robert the Bruce, Scotland resisted military conquest in the late 13<sup>th</sup> and early 14<sup>th</sup> Centuries. However, in 1603 the Scottish King James VI succeeded Elizabeth I to the English throne, in the process creating a union of Crowns. A century later there was a merger of the English and Scottish parliaments and the United Kingdom of Great Britain came into being through the Acts of Union in 1707.

Under the terms of the Union, Scotland retained its autonomy regarding its separate legal system, its distinct education system, its own established Church (Presbyterian rather than Anglican), and its local government. This gave Scotland its ‘pillars’ of civic society, a framework for national identity (Paterson, 1991). As has been stated:

In many respects, Scotland remained self-governing in terms of its civil institutions, and the British state did not overly interfere except when it perceived the military-political authority of the state to be under threat (McCrone, 2001: 44).

During the 19<sup>th</sup> Century there developed the peculiar Scottish ‘unionist nationalism’, particularly in urban Lowland Scotland (Morton, 1999). This was the combination of civic Britishness and cultural Scottishness, promoted by Sir Walter Scott.

In Wales, by contrast, there were, until the mid-20<sup>th</sup> Century, very few Welsh institutions with which the people of Wales could relate. Wales was conquered by the Normans in 1282, although it took until 1536 before Wales was fully incorporated into a parliamentary union with England. Welsh identity, henceforth, was certainly strongly felt, but more in terms of the sensibilities of place, language and culture rather than as an idea of citizenship of a distinctive polity. Furthermore, throughout most of the democratic era, from the mid-19<sup>th</sup> Century, Wales was represented politically through the agency of party rather than nation. This occurred first through the overwhelming dominance of the Liberals, from the 1880s to the early 1920s, followed by Labour for the rest of the 20<sup>th</sup> Century. Only in the last few decades has a political pluralism begun to enter the Welsh experience, prompted and promoted by the devolution process.

In the wake of World War I an upsurge of movements for self-government led to the formation of the Welsh national party Plaid Cymru in 1925, and the Scottish National Party (SNP) in 1934. However, until the 1960s, they remained a peripheral force in electoral politics. Only when their fortunes at the ballot box improved in the 1960s and 1970s (the SNP won more than 30 per cent of the Scottish vote in 1974) did Labour, by then the dominant political force in Scotland, rediscover devolution.

The failures, vastly different in scale and mode, of the referendums of 1979 in Wales and Scotland, resulted in different reactions and consequences. In Scotland a majority was achieved, though not sufficiently high to overcome the infamous hurdle of at least 40 per cent of the electorate assenting.<sup>1</sup>

Unlike Scotland, Wales did not experience a broad based campaign culminating in a Constitutional Convention (Osmond, 2003: xx). And likewise, the proposals put by the newly elected Labour government to the peoples in Wales and Scotland in 1997 were different – a minimalist Assembly based on a local government model for Cardiff, a Parliament with substantial legislative powers for Edinburgh. In Wales, this time round, the referendum was passed, albeit by a whisker. In Scotland it gained widespread support from nearly three-quarters of those who voted.

The result of the two referendums produced a new system of governance for the UK. This was characterised by asymmetric devolution, offering different degrees of autonomy to the constituent nations and, potentially, for the regions of England. So far, however, only London has been included in the devolution process. A referendum in the north-east, centred on Newcastle upon Tyne, failed in 2004.

The comparison between Wales and Scotland is instructive. In Scotland the new Parliament that was established in 1999 took charge of a pre-existing array of civic institutions that had survived and flourished beyond the 1707 parliamentary union with England, including financial institutions, a system of administration in the form of the Scottish Office from the 1880s, and a highly developed press and media. To a great extent, Scottish identity revolved around these institutions. They provided Scots with a civic, and because of that a unified sense of their nationality. Consequently, when the Scottish Parliament met in 1999 it was as though a keystone was placed in the arch of an already existing structure.

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<sup>1</sup> The inclusion of this requirement in the legislation was testimony to the referendum's undoubted role as a device to prevent devolution going ahead. Since World War II no

In Wales the position could not have been more different. Apart from a much shorter experience of separate administration, by the Welsh Office from 1964, the idea of a civic identity embracing the whole of Wales was foreign to the Welsh. Instead, their identity relied upon a much more diffuse and fractious sense of locality, language and culture. This was one reason why, in contrast with the Scots, the idea of a National Assembly was so controversial and when it came, only narrowly achieved. Moreover, when it was established, far from completing an institutional structure, the Assembly had to set about building one. Before it could become the keystone it had, so to speak, to construct the arch.



# Northern Ireland: from one form of devolution to another

## Ireland and the union

On 1 January 1801 the United Kingdom of Great Britain and Ireland came into existence following the dissolution of the Irish parliament in Dublin. Thereafter, Ireland was represented in the Parliament at Westminster, and the Union's framers hoped that it would lead not only to harmonious relationships between the peoples of the two islands but also to greater security against rebellion from within and invasion from without. In fact, the Union failed to settle Ireland's relationship with Great Britain and soon became a focus of Catholic and, later, nationalist agitation.

The Protestant (Anglican) élite had opposed the Union originally because of its threat to an Irish nation defined exclusively in Protestant terms. Catholics tended to favour the Union because they thought it would lead to emancipation. Similarly, Irish Presbyterians thought the Union would remove the remaining civil and religious restrictions imposed by the established Church. The refusal of Kings George III and IV to grant emancipation soured Catholic opinion and later encouraged a popular movement under the leadership of Daniel O'Connell to promote it. His Catholic Association, formed in 1825, achieved its goal of full emancipation in 1829. In 1832 O'Connell refocused Catholic agitation on the repeal of the Act of Union itself. However, Irish Protestants had by this point accommodated themselves to the Union. Especially in Ulster, Presbyterians and Anglicans both viewed the association of Catholicism and repeal as threatening since it reversed the old association and identified the Irish nation with the Catholic people.

In this way, the religious division between Protestant and Catholic became one of constitutional allegiance. The Irish Question became potentially destabilising throughout the United Kingdom when Liberal Prime Minister William Gladstone committed his party to Irish devolution, or Home Rule, in 1885-6. Home Rule envisaged a separate parliament for Ireland within the Union for exclusively domestic matters. For nationalists, it would allow Ireland not only self-government but also equality within the Empire. Charles Stewart Parnell (a Protestant) promoted this objective through his leadership of a disciplined nationalist party in the House of Commons

The discipline of the nationalists compelled a corresponding organisation on the part of Irish unionists. Unionism combined the mainly Anglican southern landed gentry and the mainly Presbyterian business elites with a popular Protestantism in Ulster (which contained 75 per cent of all the Protestants in Ireland). Unionists opposed Home Rule on the basis that liberty, prosperity and progress in Ireland were bound up with Union and that Home Rule threatened all three. Indeed, they suspected it was only the first step towards separation.

Two Home Rule bills failed in 1886 and 1893. When a Liberal government, with Irish Party support, introduced a third Home Rule bill in 1912 Ulster Unionists, with Conservative Party support, threatened to establish their own provisional

government, if necessary by force. Ireland, and perhaps the whole of the UK, seemed on the brink of civil war. Though Home Rule was enacted in 1914, it was suspended because of the outbreak of World War I.

Nationalists and unionists were equally committed to the war effort. Some hoped that common sacrifice could heal political divisions. That hope was destroyed by the 1916 Easter Rebellion in Dublin, and though this republican uprising had little popular support at the time, the Government response enabled a radical form of Irish separatism to take root. In the 1918 General Election, the republican party, Sinn Féin, won a majority of seats throughout most of the island (73 out of 105). However, in the nine counties of Ulster, unionists claimed a convincing victory, with 23 seats out of 37. Here was the ground for the partition of Ireland – a product not of British policy but of competing democratic claims (Bew, 1994).

The British Government tried to resolve the division by the Government of Ireland Act (1920) which separated Ireland into 26 southern counties and six northern counties. London hoped that the provision for the Council of Ireland linking both parts would eventually lead to some form of unity within the Union. Irish nationalists rejected the 1920 Act and negotiated the Anglo-Irish Treaty of 1921 which accorded the 26 southern counties dominion status within the British Empire. This went further than the 1920 Act which only became operative in Northern Ireland.

In practice, southern Irish nationalists had traded unity for independence. The six counties of Northern Ireland remained within the United Kingdom and the powers of the Belfast Parliament were devolved from Westminster. Northern Ireland continued to have representation at Westminster though it was the convention that matters devolved to Northern Ireland would not be debated in the House of Commons. As a consequence, Northern Ireland's Parliament was accorded substantial autonomy, and this was only qualified by financial dependence on the UK. Richard Rose once called this form of devolution 'government without consensus', while Patrick Buckland famously described Stormont as a 'factory of grievances' (Rose 1971; Buckland 1979).

Unionists did govern without consensus, with an unassailable majority, and generally ignored Catholic grievances. Northern Ireland's existence was contested not only by northern nationalists but also by the Irish state which, in its Constitution of 1937, claimed sovereignty over the whole island. If Northern Ireland acquired a Protestant Parliament for a Protestant people, the south had a Catholic Parliament for a Catholic people. That was the deal and, the irredentist rhetoric of the Irish Constitution notwithstanding, it helped to secure stability on the island for 50 years. Northern Catholics were the ones who were marginalised.

## **2.2 The end of one form of devolution**

For many decades, Catholic politics in Northern Ireland were poorly organised, ineffective and sometimes self-excluding. However, this changed after 1967 with the organisation of the Northern Ireland Civil Rights Association (NICRA). In August 1970 a new and more effective nationalist party, the Social Democratic and Labour Party (SDLP), emerged to promote NICRA's vision, albeit now directly linked to an Irish nationalist agenda. NICRA had demanded an end to

discriminatory practices in voting entitlements in local government, fairer allocation of public housing and reform of security policy.

Under pressure from Westminster, the Unionist government was forced to concede most of its demands. However, the political ferment this raised brought sectarian confrontations throughout 1968 and 1969 in Belfast and Derry, with widespread rioting and destruction of property. British troops were deployed in August 1969 to 'aid the civil power'. This period also saw the emergence of the Provisional Irish Republican Army transforming the character of the Troubles from sporadic riot to terrorist campaign. The IRA went on the 'offensive' against what it described as British occupation forces.

As the authority of the unionist government collapsed in the face of street violence, Westminster prorogued the Northern Ireland Parliament in 1972, taking back responsibility for devolved matters. This became known as 'direct rule' (Hennessey 2005; Birrell 2009) and was given effect by the 1972 Northern Ireland (Temporary Provisions) Act. This created a Secretary of State for Northern Ireland who sat in the Cabinet and a new Department of State, the Northern Ireland Office (NIO), charged mainly with dealing with political and security matters. However, the subtitle of the Act captures the intent of British policy which was to remain consistent throughout 'the Troubles'. Direct rule was never understood to be permanent. If devolution for Scotland and Wales was divisive in British party politics, devolution was the common objective for Northern Ireland.

British policy was designed to secure political stability and to build an inclusive society. The old model of devolution, simple majority rule, was out and a new model, power-sharing, was in. This meant a deal between unionists and nationalists within Northern Ireland (power-sharing), an institutional relationship between Northern Ireland and the Republic of Ireland to meet nationalist 'aspirations' (the Irish dimension) and a democratic affirmation of Northern Ireland's place within the United Kingdom to allay unionist anxieties (the consent principle). This policy was intended to construct a middle ground of political cooperation with the participation of the political parties in order to isolate the extremes. This policy was held to against a background of political violence – 3,636 people were to die in the Troubles to 1998. About half of these deaths can be attributed to republican forces, about one third to loyalist paramilitaries, and one tenth to the security forces.

Between 1972 and 1974, this new model seemed to hold the promise of success. A devolved, power-sharing executive was put in place and a new institutional relationship was agreed between Northern Ireland and the Republic. The first, legislated for in the 1973 Northern Ireland Constitution Act, provided for an Assembly and a power-sharing Executive and the second, agreed at Sunningdale in December 1973, provided for a Council of Ireland to foster cooperation between both parts of Ireland. Unionist opinion was deeply divided about power-sharing but it was overwhelmingly hostile to the Council of Ireland which it took to be an embryonic all-Ireland state.

Equally, the IRA was violently opposed to any settlement short of British withdrawal. In the February 1974 Westminster general election, Unionist parties opposed to power-sharing and Sunningdale won decisively. In May a loyalist, paramilitary-driven, general strike forced the collapse of the Executive. The failure of this initiative, the inability of local parties to agree in the subsequent Constitutional Convention of 1975-76 and continued terrorist violence

compelled the Labour government to contemplate direct rule over the longer term, an approach which found favour with the Conservative opposition.

After 1979, the Conservative government of Margaret Thatcher was sceptical about devolution but nevertheless experimented with an Assembly between 1982 and 1986 (known as the 'Prior Assembly' after the Secretary of State at that time). The SDLP boycotted the Assembly because there was no Irish dimension, and unionist parties were still unwilling to concede executive power-sharing. This provided the context for a more radical strategy which inverted the priority of the model by imposing an Irish dimension first, and power-sharing devolution second.

The Anglo-Irish Agreement of 1985 was an intergovernmental approach, committing the British and Irish Governments to work cooperatively for a solution to the Northern Ireland crisis. It gave the Irish government a consultative role in Northern Ireland's affairs. Some saw it as an external arrangement designed to 'coerce' unionists into devolved power-sharing (O'Leary 1989). It was also designed to check the ambitions of the republican movements' political wing, Sinn Féin, which was contesting elections on the basis of the ballot box *and* the Armalite (rifle). However, there was little advantage in replacing nationalist with unionist alienation and renewed roundtable talks between the British and Irish Governments and the Northern Ireland parties took place in 1991 and 1992. The formula of the talks, the familiar one of 20 years vintage, was to build devolution exclusively on the centre ground.

## **The making of yet another form of devolution**

These inter-party talks were in turn overtaken by events, transforming the model again between 1993 and 1998. This involved the British and Irish Governments (with some American assistance) promoting a settlement including the 'extremes' as well as the 'centre'. This became known as 'the peace process' and the outcome was the Belfast Agreement of 1998. How had this process come about? By the late 1980s the republican leadership had realised that their terrorist campaign was fruitless, that the security forces were penetrating the IRA's structure, that violence compromised the electoral ambitions of Sinn Féin and that an alternative strategy was needed.

When, in early 1993, John Hume of the SDLP and Gerry Adams of Sinn Féin produced a joint document to end the Troubles, the British and Irish governments responded with the Downing Street Declaration in December of that year. This set out basic principles for a settlement in Northern Ireland intended to foster 'agreement and reconciliation, leading to a new political framework founded on consent and encompassing arrangements within Northern Ireland, for the whole island, and between these islands'. The IRA declared a 'complete cessation of military activities' in August 1994 (broken in 1996) and in October the loyalist paramilitaries also declared a ceasefire. Multi-party talks, under the chairmanship of former United States Senator George Mitchell, began in the summer of 1996 though, because the IRA breached its ceasefire, Sinn Féin was not admitted until September 1997.

The Talks were conducted in three strands. Strand One concerned devolved institutions and involved the Northern Ireland parties and the British

government. Strand Two concerned North-South relationships and involved the parties and both governments. Strand Three, British-Irish inter-Governmental relationships, concerned relations between the two governments. The Belfast Agreement was a signal achievement for British policy and incorporated the democratic and constitutional principles set out in previous decades. On 22 May 1998, the Agreement was approved in a referendum in both parts of Ireland. Northern Ireland voted 71.1 per cent in favour, though this concealed the fact that unionist support was marginal. The Democratic Unionist Party led by Ian Paisley opposed the Belfast Agreement as a sell out to Dublin and an appeasement of terrorism. In the Republic of Ireland 94.4 per cent voted in favour, also agreeing to an amendment of the Irish constitution to embody the principle of consent for national unity (Aughey, 2005).

The Northern Ireland Act (1998) provided for a 108-member Assembly elected by single transferable vote. An Executive Committee, chaired by a First Minister (David Trimble of the Ulster Unionist Party) and Deputy First Minister (Seamus Mallon of the SDLP), was responsible for a Programme of Government. This Executive was not a voluntary but a *compulsory* coalition, an enforced form of power-sharing incorporating unionists, nationalists and republicans. The intention was to develop collective responsibility, something that proved difficult. Ten departments, in addition to the Office of First and Deputy First Minister, were established to administer devolved policy. The Secretary of State for Northern Ireland remained responsible for reserved, United Kingdom, matters and for policing and criminal justice until there was sufficient public confidence to devolve these functions. This was an elaborate form of governance for 1.5 million people.

Subsequent legislation set up a North/South Ministerial Council to consult on cross-border cooperation, serviced by a Joint Secretariat staffed by members of the Irish and Northern Irish Civil Services. This oversees the operation of six North-South Bodies and assists, where appropriate, in fostering cooperation in six further areas such as agriculture, health and tourism.

A British-Irish Council, comprising representatives of the British and Irish Governments, the newly devolved institutions in Northern Ireland, Scotland and Wales and of the Isle of Man and the Channel Islands, consults on matters of mutual interest. A revised British-Irish Inter-Governmental Conference, replacing the Anglo-Irish Agreement of 1985, confirms the joint oversight of Northern Ireland politics by the two Governments.

The Executive and Assembly did not assume its responsibilities until December 1999 because of a fundamental difference of interpretation between unionists and republicans about the timing of IRA disarmament. Thereafter, there were four suspensions of devolution and the first Executive collapsed in October 2002, following allegations of an IRA spy network in the Assembly. The institutions went into deep-freeze as direct rule was re-imposed.

### **A 'nation' on the move?**

Devolution was restored on 8 May 2007, with Ian Paisley of the Democratic Unionist Party (DUP) and Martin McGuinness of Sinn Féin as First and Deputy First Ministers respectively. This seemed the most unlikely of outcomes. The DUP had played no part in the negotiations of the Belfast Agreement and had

opposed its implementation. Although it had taken Executive portfolios in 1999-2002, it had acted as an 'internal opposition'. However, as the DUP began the electoral overhauling of its rival Ulster Unionist Party as the main voice of unionism, the fundamentalism of its opposition modified. Its then deputy leader Peter Robinson argued that only a deal *including* the DUP could last because only it could deliver stability and credibility (Robinson, 2003).

Getting the DUP fully on-board was attractive to the British and Irish Governments. It might reconcile the unstable gap in unionist opinion between 'legalism' (Trimble had convinced them that the Union was safe) and 'existentialism' (the feeling, exploited by the DUP, that nationalists had got the better bargain).

The St Andrew's Agreement of October 2006 set out an arrangement, brokered by the two Governments, for power-sharing between the (now) two largest parties, Sinn Féin and the DUP. St Andrews did little to modify the architecture of the 1998 Agreement but it allowed the DUP to claim a political victory, over the UUP at least, and to 'take ownership' of the institutions.

On the nationalist side, by 2003 Sinn Féin had replaced the SDLP as the main voice of nationalism. According to a recent survey, a majority of the SDLP's members believed that the party had achieved its objectives in the Belfast Agreement. Therefore, "there is clearly greater logic in a nationalist voting for Sinn Féin, a party which is still liable to believe in an end goal, even if this remains as elusive as ever under the terms of an Agreement far from transient to Irish unity" (Tonge and Gilligan 2003: 5). However, to maximise its vote, Sinn Féin has to use exclusively peaceful methods to achieve Irish unity and accept the fact of Northern Ireland's place within the United Kingdom (Gilligan 2008: 17). Furthermore, the 2001 census revealed a balance of 43.7 per cent Catholic and 53.13 per cent Protestant and there is little prospect, even in the medium term, of a demographic majority in favour of Irish unity.

In 2005 the IRA finally decommissioned their weapons and in January 2007 accepted the new police force, the Police Service of Northern Ireland. So what astounded international opinion, the image of Ian Paisley and Martin McGuinness sharing office together, had been years in the making. The substance of the new dispensation, a government of convenience, remains in place.

Here, then, is the paradoxical condition of Northern Ireland today. On the one hand, the traditional political centre of UUP/SDLP has been eclipsed by Sinn Féin and the DUP. On the other hand, Sinn Féin and the DUP are encouraged towards pragmatism which helps foster a fragile culture of compromise. Optimists call this a 'bumpy ride', with the British Government still responsible for crisis management. Pessimists describe it as 'bogged down' politics (Wilson and Wilford 2008).

Some, with good reason, have argued that devolution shows only policy incoherence, mutual sectarian vetoes, absence of collective responsibility and legislative vacuity. Certainly, it is easy to enumerate the problems with devolution. Until 2007, the leaders of the DUP and Sinn Féin had never spoken to one another. There is no commitment to a shared political community. The registration of Members of the Legislative Assembly (MLAs) as unionist, nationalist or other has encouraged the politics of mutual veto. It is not so much power shared as power divided. The formation of the Executive on strict

proportionality has failed to produce collective responsibility and has fragmented public administration, preventing 'joined-up' government. Inability to agree changes in schooling, how education is administered and in local government are examples of 'power-snaring' (Gormley-Heenan, 2010).

There is, then, no certainty that the institutions will survive, especially in a cold economic climate requiring hard political choices. But there is some evidence of a will to work things through, however bumpily. Compromises, such as the establishment of the Department of Justice in 2010, suggest that all parties have a vested interest in making things work. There has been some movement on the formulation of a common strategy by the Office of the First and Deputy First Minister on combating sectarianism. For most people, administrative difficulties are to be preferred to political violence as the collective rejection of recent republican violence has demonstrated.

Where is Northern Ireland moving? There is little evidence that it is moving towards Irish unity. Protestant support for the British Union is close to universal while Catholic support for Irish unity is more lukewarm. Protestants favouring United Kingdom options comprise 90 per cent, while only 39 per cent of Catholics favour Irish unity. The most popular option by far for both communities remains devolution within the United Kingdom (Northern Ireland Life and Times Survey 2008). This is a view which exists in the rest of Ireland too. While most southern Irish voters would like to see a united Ireland, few think it is of immediate importance and even fewer are willing to pay for it.

On the other hand, there does not appear to be any dramatic change in public opinion to indicate a 'new beginning' has taken place and "little evidence to suggest that changes in public opinion made it easier to reach an agreement or that the reaching of an agreement itself helped to bring about a change that would make it easier to sustain" (Curtice and Dowds 1999: 26). Others have noted how most people in Northern Ireland continue to live not in 'Liberalville' but in or near 'Sectarianopolis', with new 'peace walls' being erected since 1998 to protect one community or another from sectarian harassment. It seems that Catholics and Protestants prefer to live and socialise apart, feeling more at ease in single-identity environments (Shirlow 2001: 12-13).

Although the Northern Ireland Life and Times surveys show a growing proportion willing to embrace a 'Northern Irish' identity (the 2007 survey put this at 26 per cent), there is probably an important distinction within that embrace. For Catholics the emphasis appears to be the 'northern' aspect of their common 'Irishness', while for Protestants it is the British aspect of 'Northern Irishness' which distinguishes them from the rest of Ireland (Todd et al 2006: 334). Even what is supposedly shared can be shared differently. There may be a move towards a common Northern Ireland identity but for the moment it remains moot.

If devolution within the UK is the most favoured option, public approval of the present institutions is mixed, with few expressing unqualified satisfaction with the *practice* if not the *idea* of it. Perhaps the most telling response is the zero-sum question. The 2007 Life and Times Survey posed the question: does a political gain for one religious tradition usually result in a loss of ground for the other? Only 31 per cent disagreed, revealing how difficult it is to shift from entrenched political positions. Trust in politicians is exceptionally low. The 2009 Life and Time Survey showed that only 15 per cent trusted politicians 'a fair

amount' while 84 per cent showed levels of distrust, 36 per cent saying they did not trust them at all.

Politics in Northern Ireland remain edgy, and profound sectarian animosities continue. There can be no magic administrative solution to this division, only a common commitment that divisions should be resolved politically rather than violently. Deeply held ideologies are not necessarily subversive so long as their adherents are willing to support constitutional politics. Despite the paramilitary temptation, this is how most people in Northern Ireland negotiate their daily lives. And devolution, in some shape, seems likely to be part of their lives for a long time to come.



# Scotland: The long road to Home Rule

## Home Rule

The roots of the Scottish Home Rule movement go back to the 19<sup>th</sup> Century (Harvie and Jones, 1999). After the Acts of Union of 1707,<sup>2</sup> in which Scotland sustained a degree of autonomy, particularly Scots law, the (Presbyterian) Church of Scotland and the education system (Paterson, 1994). However, it was the decline of the Church's influence after the Disruption of 1843, and the expanding role of government (from London) which first gave rise to demands for self-government in Scotland. In 1886 the Scottish Home Rule Association was formed.

The response was the re-institution of the Scottish Secretary and the Scottish Office in 1885, and eventually the move of the Scottish Office to Edinburgh in 1939. Thus, administrative devolution long preceded political devolution.

The demand for self-government was based on the fact that Scotland, perhaps more than any other region in the UK, had an historic status of nationhood pre-dating the Union of 1707 and not questioned afterwards. The distinct set of legal, educational and religious institutions which Scotland had retained had served to reinforce a distinct Scottish identity. This produced the unique 'Unionist Nationalism' of the 19<sup>th</sup> Century, from Sir Walter Scott onwards: culturally Scottish, politically British, combining Scottish nationality with British statehood.

The years following the First World War saw economic depression in Scotland. At the same time, cultural stirrings and the Scottish literary renaissance led by Hugh MacDiarmid, resulted in new political movements and parties being founded, which eventually led to the formation of the Scottish National Party in 1934. For the following decades, the SNP remained a fringe party, but the late 1960s and early 1970s saw their first big rise, linked to the finding of oil off Scottish shores in the North Sea.

## The 1970s

But it was not just North Sea oil which brought about this change. The two World Wars had had a centralising effect on the British state. Particularly in the wake of the Second World War, the Attlee government's policies of economic planning, redistribution, the introduction of the National Health Service and the Welfare State all meant more power would be concentrated at the centre, in London.

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<sup>2</sup> The 300<sup>th</sup> anniversary of the Union prompted a number of publications about the making of the Union, among them: Devine (2006); Fry (2006); Scott (2006); Whatley (2006); Watt (2007); Macinnes (2007); Devine (2008); Riddell (2009).

For many Scots this seemed to undermine Scotland's autonomy. Maybe a renegotiation of the Treaties of Union was needed. Yet it took the successes of the SNP (and of Plaid Cymru in Wales) to make the Labour party rediscover devolution. Winnie Ewing's Hamilton by-election success in 1967, and Margo MacDonald's in Glasgow in 1973 could be seen as the overture to the general elections of 1974, in which the party won nearly a third of the vote and, in October, returned 11 out of 72 Scottish MPs to Westminster.

Labour reacted to the challenge. Harold Wilson installed a committee under Richard Crossman to explore further devolution to Wales and Scotland. 'Administrative devolution' was no longer enough (Mitchell, 2009: 29). In 1969, a Royal Commission under Lord Crowther and then, after his death in 1972, Lord Kilbrandon was to work out the details for a devolution settlement. As one commentator observed:

The mix of an advancing SNP, the politics of oil and Kilbrandon's endorsement of devolution set the scene for five years of intense debates in Scotland and London on Scotland's constitutional status (Mitchell, 2009: 114).

Wilson adopted devolution as Labour's policy in a White Paper in September 1974, after Scottish Labour – under pressure from London and fearful of further SNP gains – had endorsed devolution. The Scotland and Wales Bill, introduced in 1976 and much amended, was put to referendums in Wales and Scotland in March 1979.

However, Labour was divided on the issue, the proposal was weak, and the Callaghan government had reached its nadir of unpopularity following the infamous 'winter of discontent'. Although a small majority of 51.6 per cent in Scotland voted in favour of the Assembly, their number did not pass the threshold (arbitrarily set by Westminster) of 40 per cent of those entitled to vote necessary to enact the devolution legislation. As only 32.9 per cent of the electorate had voted in favour of an Assembly in Edinburgh, the Devolution Bill was shelved. The SNP withdrew its support for Labour's minority government, the Callaghan government lost a vote of no confidence, elections were called, and Margaret Thatcher came to power. Implacably opposed to any constitutional change that would give Scotland Home Rule, and exuding a sense of narrow English nationalism, she became key to the success of the pro-devolution cause in the final two decades of the 20<sup>th</sup> Century.

## **The 1980s**

The Campaign for a Scottish Assembly (later Campaign for a Scottish Parliament) had started work in 1980 (McLean, 2005). After Labour had lost yet another general election in 1987, Scottish civil society rallied to the cause. The Scottish Constitutional Convention (SCC) began its deliberations in early 1989, based on a new Claim of Right and involving a broad spectrum of Scottish civil society (Edwards, 1989). Only the Tories and the SNP excluded themselves from the process – the SNP because it did not want to compromise the principle of independence; the Conservatives because they did not want constitutional change. Besides the political parties, the Convention comprised churches, unions, business organisations, voluntary and other civic groups. After another set-back, when the expected Labour victory in the general election of 1992

cluded Neil Kinnock, it eventually produced its 'blueprint' for a Scottish Parliament in November 1995.

Throughout the 1980s and 1990s the declining parliamentary representation of the Conservative Party in Scotland emphasised the perception of a 'democratic deficit'. They only returned an average of 10 (out of 72) Scottish MPs, yet ruled Scotland and introduced unpopular legislation like the infamous Poll Tax. In the words of the convener of the Scottish Convention Canon Kenyon Wright, Mrs Thatcher became "the unwilling and unwitting midwife" of the Scottish Parliament (Wright, 1997: 140).

Increasingly, Scottish political representation was regarded as marginalised, as the governing party in Westminster had to fill Scottish political institutions with MPs from English constituencies. This 'democratic deficit' was profoundly influential in shaping Scottish opinion and preparing the ground for the 1997 referendum. Furthermore, Conservative government policies were perceived as threatening the welfare state that remained popular among the Scottish electorate. Thus, 'welfare benefits' became intricately linked with the push for constitutional change (Brown et al., 1998: 38-60).

It was also a time when Scotland, in common with other non-metropolitan regions of the UK, suffered from de-industrialisation, the terminal decline of heavy industries like ship-building, coal and steel. Again, the government in London came under serious criticism as it stood by and let the market deal with these structural changes (Finlay, 2007). Of huge symbolic significance was the closure of Ravenscraig in 1992, at that time Europe's most advanced steel works.

A further element in the changing context for devolution was the growing significance of the European Union, which emphasised the 'third level' of governance and the principle of subsidiarity. These gave those who campaigned for devolution a European 'regional' role for the devolved territories, and for those demanding Scottish independence a new framework – 'Independence in Europe' – within which Scottish self-determination could be discussed (Sillars, 1989).

## **Reconvening the Scottish Parliament**

It took until the general election of 1997 before the Constitutional Convention's *Scotland's Parliament, Scotland's Right* could be translated into reality. Labour had adopted the 'blueprint' in its manifesto for the 1997 elections. After winning power in May of that year, it based its White Paper on Devolution on the findings and conclusions of the Convention. This was put to a Referendum on 11 September 1997 when 74.3 per cent approved a Scottish Parliament and 63.5 per cent voted to give it tax-raising powers. This resounding endorsement led to the Scotland Act of 1998 and, in May 1999, to the first elections of a Scottish Parliament in nearly 300 years.

With the re-convening of the Scottish Parliament and the establishment of the devolved institutions, Scotland's status within the UK was transformed. Domestic policy was now within the remit of the Scottish Parliament and no longer governed by the Scottish Secretary of State based at Westminster. Only in so-called reserved matters – foreign and defence policy, taxation, social security,

European and macroeconomic policy – did Westminster retain competence.

Under the UK system of parliamentary sovereignty (Crown in Parliament), Westminster remains as the sovereign legislative body. But the referendum went a good way towards entrenching the Scottish Parliament. It was accepted by all parties that, in practice, it could only be abolished by another referendum.

Every four years 129 members are elected to the Scottish Parliament on a proportional electoral system – 73 first-past-the-post from single member constituencies, and 56 additional members from regional lists. This new electoral system meant that no party could expect to have an overall majority. In 1999, Labour (with 56 seats) and the Liberal Democrats (with 17) formed a partnership government under First Minister Donald Dewar. The SNP (with 35 seats) became the Official Opposition party in Scotland. The Conservatives failed to win a single constituency, but were saved by winning 18 list seats (which they had opposed, along with the whole idea of devolution and a Scottish Parliament. The Greens and the Scottish Socialist Party each gained one seat, as did Dennis Canavan who triumphed as an independent against the Labour Party (which had refused to accept him as the candidate for Falkirk-West).

Thanks to pro-active measures, like the twinning of constituencies for Labour party candidates, the Scottish Parliament had a relatively high proportion of 37 per cent women, a figure which rose in 2003 to nearly 40 per cent (but fell again to 34 per cent in 2007).

## **New politics?**

The first session was fraught with problems, exacerbated by a Scottish print media that at times was excessively and unfairly dismissive of the fledgling Parliament:

- Three First Ministers: Donald Dewar died in October 2000; his successor Henry McLeish fell over his Westminster office allowances and was replaced by Jack McConnell in 2001.
- A referendum about teaching homosexuality in schools.
- An exam fiasco during 2000 when thousands of Scottish school leavers received their results months late.
- The albatross of the much-delayed and over-budget parliament building project: originally estimated at £10-40 million in the Scotland Act, the audacious building by the Catalan architect Enric Miralles eventually clocked in at £416 million.

Despite these trials and tribulations, the Parliament passed 62 bills in its first four years, among them landmark legislation like Land Reform, the implementation of the McCrone agreement on education, free personal care for the elderly, the abolition of up-front tuition fees for students, and the fox-hunting ban. Notwithstanding apparent disappointments, public support for devolution as such remained strong (Bort, 2004; Bromley et al., 2006).

The second elections, in 2003, produced a 'rainbow parliament', as the smaller parties gained seats, mostly at the expense of the SNP. Labour was reduced to 50 MSPs, but could continue its coalition with the Liberal Democrats (still on 17); the SNP plunged to 27 seats, while the Greens added six to their existing

one, and the SSP ended, five up, on six MSPs. Three independents and one representative of the Scottish Senior Citizens Unity Party completed the diverse picture (Burnside et. al., 2003; Bort and Harvie, 2005).

The tally of bills passed climbed to 112 by the end of the second term. Local government reform (including the switch to STV – the single transferable vote), the smoking ban in enclosed public places, and controversial anti-social behaviour measures were the legislative flagships of the second term. Also among the plus points for the Executive and the Parliament were the launch of Scotland's unique National Theatre and the open tackling of the remaining pockets of sectarianism and of growing signs of racism in an increasingly multi-ethnic Scottish society. Once the building saga had faded into the background, the Parliament seemed to gain in confidence.

A lot has been said and written about the 'new politics' around the 1999 election, and although some of it evolved, especially in the Parliament's powerful committees, there was a sense that stable Labour-Liberal Democrat government had reinforced more traditional, Westminster-style politics at Holyrood. The envisaged 'participative democracy' had only surfaced in patches. And those who had hoped for a radical new political content in Scotland, brimming with new ideas and redefining social democracy for the 21<sup>st</sup> Century, saw themselves disappointed (Keating, 2007).

On the other hand, major conflicts between Edinburgh and London, as widely predicted before devolution, did not materialise. Parliament and Executive developed international links: regional partnership agreements were signed with Catalonia, Tuscany, Northrhine-Westfalia and Bavaria. In 2003-2004, Jack McConnell was President of RegLeg – the body representing and lobbying for the self-governing 'constitutional' regions of the European Union. But he seemed caught between his commitment to regional solidarity across Europe and constraints from London which had not even allowed a working group on the regions in Giscard's Constitutional Convention (Bort, 2004).

Thanks to sustained economic growth and high levels of employment, financial tensions between Westminster and Holyrood, likewise widely anticipated, were also absent (Devine, 2006: 633). But, of course, the real litmus test for devolution would only come once parties of different political hues were in charge north and south of the border.

## **Moving towards Independence?**

In May 2007, Scotland voted for political change. By the narrowest of margins, but with surging momentum, the SNP had pipped Labour to the post, with 47 to 46 seats. Was the SNP victory a vote for independence, or rather the 'coming of age' of devolution? Have the "devolution dullards... had their day" (Brown, 2007: 24) or did the voters cast Alex Salmond and the SNP as the better devolutionists?

Consultation and consent were the only way for a minority government of 47 out of 129 seats to achieve anything. Alex Salmond made that clear in his first few days as First Minister. 'New politics plus', was a phrase used by commentators. Being far short of a majority, the government needed to put together a broader base of support for its measures. As Michael Keating put it, "A new phase of

devolution is beginning” (Keating, 2007: 157). With a Damocles sword of a no-confidence vote hanging permanently over the head of the government, the Parliament’s role in finding consensual decisions seemed enhanced. Transcending the Labour-designed and Labour-led blueprint granted devolution a “new lease of life” (MacMahon, 2007).

But there was a limit to what could be done consensually. The SNP had to shelve plans of replacing the unpopular council tax with a local income tax, and had to renege on a number of manifesto pledges, including cancelling student debt, reducing class sizes, and financial support for first-time house buyers. Nonetheless, for the first two years of their term the SNP and First Minister Alex Salmond were riding high in the polls. This protected the minority government from a vote of no confidence in the Chamber, as the other parties seemed to fear nothing more than new elections.

In August 2007, Alex Salmond initiated the ‘National Conversation’ on Scotland’s constitutional future, laying out the status quo, enhanced devolution, and the preferred option of the SNP government, independence, including the wording for a referendum. In December, the other parties reacted by installing, through a vote in the Parliament, a commission which would look into improving the devolution settlement. This commission started work in March 2008 under its chairman Sir Kenneth Calman, and reported in June 2009, suggesting substantial increases in the powers of the Scottish Parliament (including taxation powers).

In the third year of the Salmond administration, its prolonged ‘honeymoon’ came to an end. Westminster by-elections in Glenrothes and in Glasgow North-East were resoundingly won by Labour, and the British general election of May 2010 produced a hugely disappointing result for the SNP. Salmond had claimed the party could win 20 seats. Yet when the votes were counted, the SNP had lost Glasgow East (the by-election success of 2008) and was back to where it had been in 2005 in terms of seats won, as were all the Scottish parties. Despite losing the election in the UK, Labour gained more than two per cent in Scotland. According to one observer, “Scotland moved in a different direction to that taken by the rest of Britain in the 2010 election” (Denver 2010:40).

The incoming Westminster coalition of Conservatives and Liberal Democrats confirmed that it planned to implement the Calman recommendations. It also endorsed a referendum for Wales. Meanwhile, Alex Salmond failed to introduce a Referendum Bill to the Scottish Parliament, as promised for January 2010. Nonetheless, he will try and use the ‘unionist’ opposition to the Bill against his competitors in the May 2011 election. He is hoping that by denying the Scots a vote on their constitutional future, the opposition parties will have given him a campaigning tool for 2011. His case would have been stronger had he stuck by his promise to test the question in Parliament.

According to all serious polls, there is no majority among the Scots for independence. Support ranges from 35 per cent in a System 3 poll to a mere 23 per cent in the 2010 Scottish Social Attitudes Survey (Peterkin 2010). Apparently, ten years of devolution have not changed the constitutional preferences of the Scots (Bechhofer and McCrone, 2009). But neither, to use George Robertson’s dictum, has devolution killed nationalism stone-dead. Nor has it been, as the Tories did not tire to warn, been the ‘slippery slope’, or the SNP’s ‘stepping stone’, towards independence – at least not yet.

Indeed, according to polls in 2010, it looks likely that the SNP may lose the May 2011 election. Not having introduced their bills on local income tax and on an independence referendum, the SNP's minority rule, which started so promisingly and dynamically, seems to have fizzled out. Scottish Labour may well be the main beneficiary of the loss of momentum of the SNP government as well as of the fall-out of the Westminster coalition's severe spending cuts.

The UK bail-out of the Scottish banks, and the fate in the financial crash of what Alex Salmond used to hail as the 'arc of prosperity' (from Ireland and Iceland to Norway and Denmark) are also influencing the debate about Scottish independence. And, as we have been reminded, "Britishness is still widespread in England and Scotland," despite a strengthening sense of Scottishness over the last thirty years. (Bechhofer and McCrone, 2007: 159)

According to Michael Keating, there has not been "a serious intellectual analysis on the meaning and implications of independence". In his view, the future of the Union depends more on the politics at the centre than on Scottish nationalism:

If English elites and English opinion insist that the central constitution remain essentially untouched by devolution then their only real option is to constitute themselves as a new nation state. The end of the United Kingdom is unlikely to come about from the secession of Scotland as long as the Scots have other options (Keating, 2009: 179).

The SNP's notion that increased devolution brings Scotland automatically closer to independence may have seductive charms, but it is empirically unproven. At the moment it looks as if, in their wisdom, the Scottish voters relished having the SNP in the driving seat, not of an independent but a devolved Scotland. Now, Calman will bring additional powers for the Scottish Parliament, including greater fiscal powers. The nation is moving on to the next stage in the evolution of devolution.

# Wales's path to devolution

## The political nation

Towards the end of the 20<sup>th</sup> Century Wales emerged as a political nation. The key moment was the 1997 referendum that established the directly elected National Assembly. In contrast with Scotland where a Parliament was the settled will of the people and achieved with a substantial majority in a parallel referendum held a week earlier, in Wales the referendum was only narrowly won. The majority was a mere 6,721 votes, less than 0.5 per cent of the million or so cast. Nevertheless, this was a remarkable turnaround from the referendum held on the same issue less than 20 years earlier, in 1979. In fact, it represented a 30 per cent increase in votes for the Yes side, or a 15 per cent swing compared with 1979. The more emphatic two-to-one majority in the Scottish referendum actually produced a smaller swing of 11.5 per cent.

This story of change from rejection to acceptance of political responsibility is certainly one of a nation on the move. Until the late 1990s the idea that they should exercise sovereignty in their own right, as citizens of their own country, was largely incomprehensible to most Welsh people. In the main this was because there were very few distinctive Welsh institutions with which they could relate. Welsh identity was certainly strongly felt, but more in terms of the relatively diffuse sensibilities of place, language and culture rather than in civic terms, as citizenship of a distinct polity.

Throughout most of the democratic era, from the mid-nineteenth century, Wales was represented politically through the agency of party rather than nation. This was due to the overwhelming dominance of the Liberal Party from the 1880s to the 1920s, followed by the Labour Party. Only in the last few decades of the twentieth century did political pluralism become part of the Welsh experience, prompted and promoted by the devolution process. Until then the dominance of party prevented the nationality of Wales developing into widespread *nationalism*. Both the Liberals and Labour in Wales were firmly part of a British system; their concerns and priorities were focused on London rather than Cardiff. As a result they locked Wales into a British embrace and smothered Welsh political aspirations. Now, however, for the first time since the early fifteenth century, when in a brief shining moment Owain Glyndŵr and his followers began to envisage a future for Wales in terms of civic institutions, in the twenty-first century the Welsh are reinventing themselves as a political nation.

But what is it that constitutes a political nation? While the distinctive cultural identity of Wales has never been in doubt, constitutional politics do not necessarily flow from the presence of a cultural community. Of course, Plaid Cymru, the Welsh nationalist party, has always been convinced of the necessity of political institutions. Saunders Lewis, one of the party's founders and also a poet and playwright of international repute, made the essential case as far back as 1930. As he put it:



If a nation that has lost its political machinery becomes content to express its nationality thenceforward only in the sphere of literature and the arts, then that literature and those arts will very quickly become provincial and unimportant, mere echoes of the ideas and artistic movements of the neighbouring and dominant nation. If they (the Welsh people) decide that the literary revival shall not broaden out into political and economic life and the whole of Welsh life, then inevitably Welsh literature in our generation will cease to be living and viable (Lewis, 1930).

Yet such ideas were held by a small minority for most of the 20<sup>th</sup> Century. Even after Plaid Cymru began to make political advances in the 1960s, its support was confined to around 10 per cent of the electorate. It took the experiences of the last two decades of the twentieth century, framed by the 1979 and 1997 referendums, to persuade a significant proportion of the population, beyond the core Plaid Cymru support, to embrace the idea of Wales as a political nation.

In the late 1950s the Dutch theorist Herman Dooyeweerd defined a political nation as one that “has become conscious of its internal political solidarity” (Dooyeweerd, 1957: 470). Even as late as the 1970s Wales could not be regarded in this light. Disputes around the position and status of the Welsh language were perhaps the most salient illustration and explained why the 1979 referendum was lost so heavily.

## **The 1970s**

The modern era of Welsh politics can be said to begin in June 1966 when Gwynfor Evans won his by-election victory for Plaid Cymru in Carmarthen. Together with the Scottish Nationalists’ success in the Hamilton by-election the following year, this thrust the constitutional position of Wales and Scotland seriously on to the political stage for the first time since the end of the nineteenth century.

The Government response was to establish the Kilbrandon Commission on the Constitution in 1969 to undertake a wide-ranging survey of the potential for devolution to Scotland and Wales. However, by the time the Commission reported in late 1973, the issue appeared to have gone off the boil, and in any event had been overtaken by more pressing concerns such as the oil crisis of that time. There was a cursory debate in the House of Commons, but the Kilbrandon report was sidelined. No mention was made of devolution in the manifestos of either Labour or Conservatives in the February 1974 ‘Who governs?’ general election, called amidst a miners’ strike.

However, the narrowness of the result, and the gains made by both Plaid Cymru and the SNP, brought devolution swiftly back on to the agenda. With many of its Scottish seats threatened by the SNP, Labour hurriedly dusted off the Kilbrandon report and produced plans for Scottish and Welsh Assemblies. These were duly contained in its manifesto for the October 1974 election. The legislation that followed was to preoccupy Westminster and dominate Welsh and Scottish politics for the rest of the decade.

Bills to establish Welsh and Scottish Assemblies were eventually passed, but subject to the referendums that were held on 1 March 1979. However, what the

campaign leading up to the referendum in Wales demonstrated was that the country had not yet sufficiently developed a sense of nationality in terms of Herman Dooyeweerd's "internal political solidarity".

Of course, the campaign was conducted in the worst of possible circumstances, in the middle of the so-called Winter of Discontent. James Callaghan's Labour government was beset by strikes in the public services. Piles of rubbish were left uncollected amidst ice and snow on the streets. Even the dead went unburied in some areas. This dramatised the general unpopularity of a government coming to the end of its term. 'Get the Government off your back', was a slogan being promulgated by the leader of the Opposition, Margaret Thatcher. Pro-devolutionists were shouting in the wind, trying to make the case for what the anti-devolutionists dubbed 'more government'.

Underlying these generally superficial arguments, however, was what opponents of the Assembly in Wales accurately identified as a distrust that existed between Welsh communities at that time. Undoubtedly, this was the major cause of the scale of the referendum defeat, compared with Scotland. No-one was more cunning in this respect than the architect of the referendum, Leo Abse, MP for Pontypool. As he argued:

It is clear, isn't it, that in the Assembly people are going to exercise their undoubted right to speak Welsh. And, indeed, how could you deny it? Once they speak Welsh it means that you have to have interpreters for them, who have in the nature of things, to speak Welsh. Then all the top civil servants would have to speak Welsh because the same members who would speak Welsh in the Assembly would speak Welsh in committees and select committees. So it can't be disputed that, once there is an insistence on the part of those who are going to the Assembly that they have the right to use the language, once that is established, you get the pattern for a huge and influential bureaucracy and it is one which will not be open to my people in Gwent (Erfyl, 1979).

From the other side the view was often expressed that, contrary to the Welsh language gaining an advantage, it could be threatened by Welsh democracy. This is how the Carmarthen-born academic lawyer David Williams (later Vice Chancellor of Cambridge University) put it in 1975:

The current policy of official benevolence, under a system of government from London combined with administrative decentralisation, may well be the most effective guarantee which supporters of the Welsh language can hope for in the immediate future. Simple democracy has its perils (Williams, 1975: 77).

In February 1979 the 'Labour No Assembly campaign' published a wide-ranging manifesto which tellingly took head on the notion that Wales should have its own political institutions simply because it was a nation. Drafted by Bedwellty MP Neil Kinnock and his constituency secretary, the late Barry Moore, the document accepted the nationality of Wales but rejected that this should entail assuming the responsibilities of what it described as nationhood:

The view is put forward, of course, that Wales has a special identity and urgent needs which make Devolution necessary. The Nationalists and Devolutionists say 'We are a nation, that makes a difference', 'We have a Welsh Office, that makes a difference', 'We have a Wales TUC, that

makes a difference'. But none of that takes account of the realities. We are a nation, proud of our nationality. BUT there is little or no desire for the costs, and responsibilities of nationhood as the puny voting support for the Nationalists shows. We do not need an Assembly to prove our nationality or our pride. This is a matter of hearts and minds, not bricks, committees and bureaucrats.<sup>3</sup>

The extent to which such arguments gained purchase in 1979 demonstrated that Wales had not matured as a political nation. As the main political party in Wales, Labour was divided. The only political party convinced about devolution was Plaid Cymru, but it was a marginal force in Welsh life. There was only a vestigial notion of a Welsh civil society involving other groupings, and especially business. In short, there was very little "internal political solidarity".

## The 1980s

For some the crushing defeat of the Assembly proposals in the 1979 referendum and the subsequent general election when there was a strong swing to the Conservatives in Wales, the largest in Britain outside London, not only represented the end of an era but even of Wales itself. Thus the historian Gwyn Alf Williams judged, somewhat apocalyptically:

In a series of votes, the Welsh electorate in 1979 wrote finis to nearly two hundred years of Welsh history. They rejected the political traditions to which the modern Welsh had committed themselves. They declared bankrupt the political creeds which the modern Welsh had embraced. They may in the process have warranted the death of Wales itself (Williams, 1984: 295).

Yet at the very moment in which he was writing, in the mid-1980s, a new Wales was being birthed into existence, albeit in the most painful of circumstances. Most who lived through the 1984-5 miners strike will recall feeling how even at the time it felt like a momentous event. With hindsight it can be seen as the hinge of a pivotal decade in Welsh history that opened the door between the 1979 and 1997 devolution referendums. In those hot summer months of 1984 and through the cold, grim winter that followed can be seen the stirrings of Wales as a political nation. Although the 1984-5 strike ended in defeat, it was different to 1979. As the swing to the Yes vote in the Valleys in 1997 demonstrated, it persuaded many Welsh people that ultimately they could only rely on their own resources and those of their communities. The strike also saw the stirring of a new kind of politics in Wales, one that saw collaboration between parties and other groups which in combination represented civil society.

The main expression was the Wales Congress in Support of Mining Communities, an extraordinary network of support groups that sprung up in every village and town in the south, and eventually across the whole of Wales. This became, for a short moment, a powerful national movement, involving Labour and Plaid Cymru, the churches, the Wales TUC, Cymdeithas yr Iaith,

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<sup>3</sup> Labour No Assembly Campaign Wales, *Facts to Beat Fantasies*, p. 6, February 1979. This important 50-page document can be seen at the Welsh Political Archive in the National Library.

peace, women's support, lesbian and gay groups and others. In the immediate aftermath of the strike Kim Howells, a historian and press spokesman for the South Wales Miners, and later Labour MP for Pontypridd, wrote prophetically of its incipient democratic possibilities:

In South Wales we also discovered something else: that we are part of a real nation which extends northwards beyond the coalfield, into the mountains of Powys, Dyfed and Gwynedd. For the first time since the industrial revolution in Wales, the two halves of the nation came together in mutual support. Pickets from the south travelled to the nuclear and hydro stations in the north. Support groups from the north brought food, money and clothes to the south. Friendships and alliances flourished; old differences of attitude and accent withered and out of it grew the most important 'formal' political organisation to emerge during the course of the strike – the Wales Congress in Support of Mining Communities (Howells, 1985: 147).

This judgement was confirmed a quarter of a century later by Hywel Francis who chaired the Congress. By then Labour MP for Aberavon, Francis said the strike paved the way for 1997. He added that it “created a Welsh unity and identity, overcoming language and geographical differences, which failed to materialise in 1979” (Francis, 2009: 69).

But the strike was only one of a diverse range of events and movements which together created a new Wales in which the civic possibilities around the creation of democratic institutions came into view. The anti-nuclear movement was important, with the march on Greenham Common originating in Wales and led, significantly, by women. However, most of the changes were essentially cultural. New magazines and writers groups appeared. There was a new energy in documentary film making. For some decades there had been an intense application of scholarship to the writing of the history of Wales, but only now was this presented on any scale to the people of Wales, through such popular television series as *The Dragon Has Two Tongues* and *Wales! Wales?*

Above all, attitudes to the Welsh language palpably shifted. Welsh-medium education continued to flourish, especially in the anglicised areas of south-east Wales. A burst of energy surrounded a Welsh youth music culture, with the creation and impact of S4C (the Welsh television channel) in 1982 spreading its influence. The Welsh language came to be seen as a vehicle for modernity and renewal rather than being associated with the past, nonconformity, and decline.

## **Emergence of the political nation**

The cumulative impact of these changes was to solidify connections between the Wales of the present with a real history of its past and also a sense of future possibilities. At the same time there was a new fluidity in Welsh politics with the breaking up of the control of the nation by a single party. As stated at the outset, since the beginning of the democratic era Welsh politics had been overwhelmingly dominated first by the Liberals and then Labour. In turn this led them to believe that they embraced the essence of Welsh representation to such a powerful extent that no other force or point of view needed to be taken into account.

In the second half of the 19<sup>th</sup> Century, Welsh Liberalism was first to achieve this hegemonic position. Following the reforms of the franchise, Welsh Liberals won almost 60 per cent of the vote in the 1885 election, which rose to 65 per cent in 1895. In that election year the Liberals won 24 of the Welsh constituencies compared with eight by the Conservatives. In the 1906 election the Conservatives famously failed to win a single seat in Wales.

Of course, this hegemony was completely undermined by the First World War and the new politics of class in which Labour eventually emerged as the overwhelming political force in industrial south Wales. By 1929 Labour was by far the largest party in Wales, and even in the devastating election of 1931 succeeded in maintaining 15 seats in the south Wales coalfield, providing a third of all Labour MPs returned to Westminster in that year. Following World War II Labour control spread to much of the rest of the country, achieving a high point in 1966 when it captured 32 of the 36 Welsh constituencies, a moment as significant as that achieved by the Liberals in 1906.

Throughout the period of this domination, Liberalism followed by Labourism, seemed to represent the essence of what Welshness was felt to be. In the Liberal era overriding concerns were land reform, temperance, the spread of education, nonconformity and the disestablishment of the Church of England, with home rule seen to be the solution to these and other grievances and aspirations. In the 20<sup>th</sup> Century, Welshness became associated with the values espoused by the Labour movement, the collectivist ethos of the coalfield and the Fed, the miners' union, together with a sense of international class obligations, represented most notably by the Welsh contribution to the republican cause during the Spanish Civil War.

However, as the historian Merfyn Jones has pointed out, the values associated first with Liberalism, and then Labourism were essentially causes to which people adhered, rather than embodying the essence of the nation. Although in their time these causes did to a great extent come to signify Welshness, they did not describe a nation to which one could belong. Despite the relative hegemony of the Liberal and Labour movements, many were still excluded. As Merfyn Jones put it in an influential article on Welsh identity in the early 1990s:

The overwhelming strength, in electoral terms, of first the Liberal Party and then the Labour Party gave Wales a sharply delineated political identity, but in both cases this was not based on a sense of all the Welsh as a constituency. Rather was it a case of a large section of that constituency choosing to ally with a particular world view that then, given their majoritarian status, effectively appropriated a Welsh identity to itself, creating a Welshness in its own image. Thus the Liberal Wales was nonconformist, closely associated with the Welsh language, temperate, and based on the community of interest between small farmers, industrial workers and small businessmen and professionals in the *gwerin*. The Labour Party continued many of these themes but emphasised also its working-class base. Both parties attempted to exclude from membership of this Welsh political culture those elements that appeared to oppose those interests, in particular Welsh Conservatives (Jones, 1992).

Writing in 1992 Merfyn Jones's main purpose was to explore what basis for Welsh identity existed in the wake of the demise of the socio-economic foundation of both these forces. As he put it, looking back at the aftermath of the 1984-85 miners strike:

...the abrupt creation of a Wales without miners devastated far more than the mining communities themselves. It also punctured a whole nexus of images and self-images of the Welsh, clichés as well a genuine human achievement, which seemed to have been inextricably bound up with coal mining and a small number of other industries, notably steel, tinsplate, and slate (Jones, 1992).

Politically, while Labour was still dominant it was clear that its high point had been in the 1960s and that it was experiencing a long, secular decline. Meanwhile, there was a crisis in rural Wales, with large-scale in-migration precipitating a hollowing out of the Welsh-speaking heartland, long held to be the essential location of traditional Welsh identity. The one area where any vitality was to be observed was in the growth of Welsh institutions, what Merfyn Jones described as a proto-state, one that held out the only positive prospect for building a renewed national identity:

The Welsh are in the process of being defined, not in terms of shared occupational experience or common religious inheritance or the survival of an ancient European language or for contributing to the Welsh radical tradition, but rather by reference to the institutions that they inhabit, influence and react to. This new identity may lack the ethical and political imperatives that characterised Welsh life for two centuries, but it increasingly appears to be the only identity available (Jones, 1992).

The accuracy of this judgement was borne out during the next two decades which saw, first the creation of the National Assembly in 1999, and then its rapid evolution in a parliamentary direction. Importantly, this new period witnessed the creation of a civic framework for identity in which a sense of sovereignty of the people of Wales could be expressed for the first time. No longer was national sovereignty to be confined within political parties. No longer was it to be constrained by a set of values which, however admirable in their own terms, nevertheless prevented an inclusive expression of Welshness.

### **Internal political solidarity**

The key figure to articulate the new inclusive identity of the 1990s was the Caerphilly Labour MP Ron Davies. He became Shadow Secretary of State for Wales in 1992 and immediately set in train a process of leading Welsh Labour towards a clear devolution commitment. He began with a series of radical speeches that sounded so nationalistic to many of his colleagues that he was accused of 'going native'. In an address to the 1994 UK Labour conference in Blackpool, for instance, he declared:

Like the Scots we are a nation. We have our own country. We have our own language, our own history, traditions, ethics, values and pride ... We now in Wales demand the right to decide through our own democratic institutions the procedures and the structures and the priorities of our own civic life (Osmond, 1996: 79).

In the 1979 referendum Ron Davies had voted No. Why had he changed his position so radically? As he explained himself, it was the experience of living through successive defeats at the hands of the Conservatives through the 1980s.

However, the main point was that in Wales Labour had won. Ron Davies and many others in Labour in the late 1980s crossed a Rubicon when they began to reject the United Kingdom basis on which general elections are held. Instead they demanded a Welsh jurisdiction. This is how Ron Davies explained how he felt following the 1987 general election:

I vividly recall the anguish expressed by an eloquent graffiti artist who painted on a prominent bridge in my constituency, overnight after the 1987 defeat, the slogan 'We voted Labour, we got Thatcher!' I felt the future was bleak. Despite commanding just 29.5 per cent of the Welsh popular vote and majorities in only eight of the 38 Parliamentary constituencies, the Conservatives had won a third consecutive General Election. The Labour Party had performed well in Wales, achieving a 7.5 per cent swing compared with a 2.6 per cent swing in England, and gaining 15 per cent more of the share of the vote in Wales than in the United Kingdom as a whole. If the party had performed as well in England we would have been elected. For me, this represented a crisis of representation. Wales was being denied a voice (Davies, 1999: 4).

Once this 'crisis of representation' – as Ron Davies put it – was on the agenda, it was but a short step to start thinking about how a Welsh perspective could be mobilised and channelled in a political direction. This was entirely new in Labour thinking in Wales.

During the early 1990s Ron Davies was a minority Labour voice arguing for greater collaboration and the building of the "internal political solidarity" that would be required before a constitutional advance could be achieved. In response to calls for a Welsh constitutional convention along Scottish lines, in 1992 the Labour Party established its own Commission to explore its devolution policy. As Shadow Secretary of State, Ron Davies had great difficulty in engaging with this Commission. In an interview some years later he described his problems:

I started working with the Commission and it became clearer that what I had in mind about devolution was not what the Labour Party had in mind... I had two issues: trying to win public support, and how to manage the Party. We talked to people on the industrial side, and in the quangos<sup>4</sup>, and there was no conceptualising; there was no nation building; there was no desire to enter the debate at all. It was all: what's in it for us? How can we protect our position?

So what do I do? It was really about trying to do some nation building, identifying the strengths of Wales, building up its own identity and that meant dealing with issues like the language, for example, like the culture, like having the strength to say that we wanted to develop our own tourism, our own industry, that we would have to look at issues about the environment, and we would have to look at it from a Welsh perspective. That was all for me part of nation building ... The other signpost was: what are going to be the views of the other parties? The other parties, for me, were the critical issue (Prosser, et. al., 2006: 151).

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<sup>4</sup> Government-appointed bodies (Non-departmental Appointed Bodies) which run a wide range of administrative functions.

These references to ‘nation building’ and the need to take the views of other parties into account represented a profound shift in political thinking, albeit one that still had a long way to go to convince a majority in the Labour party. Nonetheless, Ron Davies was right to identify relations with other parties as a critical issue for the future of devolution. Indeed, cross-party collaboration in pursuit of a constitutional objective is a sure sign of Herman Dooyeweerd’s “internal political solidarity”. As Davies insisted, in a speech to the Wales Labour Party conference in Swansea in May 1996, the forthcoming Assembly would not be the property of the Labour Party alone:

We will provide the leadership but we don’t own the process. That’s why we have to be inclusive and reach out to the other political parties to find out where common ground exists. ... If you are embarking on a project of reconstructing a democracy, of building a new society, there’s a lot of common sense in seeking agreement and making compromises (Ron Davies, 1999).

This philosophy was behind Labour’s eventual commitment to at least partial proportionality in elections to the Assembly. It was also behind the commitment of both Labour and Plaid Cymru to ensure that they selected equal numbers of men and women to stand in winnable seats. Labour twinned constituencies and ensured that males and females had equal representation. Meanwhile, Plaid Cymru placed a woman at the head of the regional lists. It was as though a civic culture was being willed into existence, as the necessary democratic current to drive the devolution process forward.

Thus, in the 1990s events conspired to open a window of opportunity for the National Assembly to be established. In turn this allowed the gains of the period to be consolidated around the novel idea that Welshness could be understood and felt in civic, national and unifying terms. This, indeed, was a political nation on the move.

### **‘One Wales’: experiencing the National Assembly**

The Assembly that first met in early summer 1999 was a cobbled together compromise. It was established by the 1998 Wales Act that started out with a vision of the Assembly being essentially a tier of local government. This was the result of an internal compromise within the Welsh Labour Party, a substantial proportion of which was hostile to the whole venture. The Assembly’s powers were vested in the 60 Assembly Members collectively as a corporate body, while the main drivers of policies and decision-making were to be an elaborate structure of committees. There was no separation of powers between the executive and legislature.

However, as the legislation went through the Westminster Parliament, an executive in the form of a Cabinet structure was grafted on to this base. The result was constitutional confusion. Indeed, as the Assembly’s chief legal adviser, the Counsel General Winston Roddick QC, put it at the time, “This parliament is like a child without a parent” (Roddick, 1999). And the Presiding Officer, Lord Dafydd Elis-Thomas added that the Wales Act was:

... not based on a clear legislative principle. It could be said to have elevated piecemeal development to an art form... We are not at the



beginning of a new constitution for Wales. We are at the beginning of the end of the old constitution... We have the least that could be established at the time (Elis-Thomas, 2000).

In many ways the first decade in the life of the new Assembly was taken up with putting this right. In effect the Assembly became a constitutional convention by other means, in which a good deal of energy, increasingly on a cross-party consensual basis, was put into transforming the Assembly into a proper Parliament. In the process a more fully formed political body was built on the skeleton of the political nation that had developed in the decades that led to the creation of the Assembly.

In the immediate wake of the first election to the Assembly, and under the disputed leadership of Alun Michael, Labour attempted to govern Wales with a minority administration. However, within months this proved untenable. In February 2000 Alun Michael gave way to Rhodri Morgan as First Minister, following a vote of no confidence. The ostensible reason for this was his inability or refusal to commit the Treasury to fully match fund the 2000-2006 European Objective 1 programme for west Wales and the Valleys. Underlying the vote, however, were other factors that were just as instrumental in uniting the opposition parties against him. These were frustration with his style of government, his lack of a coherent policy programme, his caution, but above all, his approach to the devolution process. This amounted to acting as though nothing fundamental had changed from the point of view of the executive governance of Wales. Instead, Michael behaved as though the old Welsh Office was, in effect, continuing, but with the elected Assembly operating as some kind of advisory body. The vote of no confidence was a declaration that it was impossible to continue in this way and that the devolution process had to move in the direction of creating a parliamentary body.

The first requirement was cross-party co-operation and this was duly delivered within a few months when the first coalition administration, between Labour and the Liberal Democrats, was established in October 2000. Part of the agreement between the parties was to establish under the Labour peer Lord Richard an independent commission. With representatives from all the parties and civic society more widely, it examined the powers and electoral arrangements of the Assembly. When it reported in early 2004, its conclusions were radical and, as importantly, near unanimous. It recommended the Assembly should become a legislative Parliament along Scottish lines with a clear separation of powers between the executive and legislature. The membership should increase from 60 to 80, and be elected by the single transferable vote proportional system (Osmond, 2005).

Given the history of Welsh devolution going back nearly 50 years it was remarkable that such a consensus could be achieved. In itself, it was an indication of a maturing political culture. Not only that, the report was well put together, logical and closely argued. Despite this it was too big a pill to swallow for the anti-devolution forces that still held the upper hand within the Welsh Labour Party, including most of its Welsh MPs at Westminster. A special conference in September 2004 rejected the Richard proposals, and left it to the Secretary of State for Wales, Peter Hain, to come up with some compromise solution. This eventually surfaced in for the form of the 2006 Wales Act. The only specific Richard recommendation this accepted was the separation of powers which, de facto, was happening already. However, Hain came up with a two-pronged initiative which opened the door towards greater legislative powers

for the Assembly. Under the 2006 Act the Assembly can seek a Legislative Competence Order from Westminster to pass laws on specifically defined policy areas. The Act also allowed for the Assembly to gain more autonomous law-making powers following a referendum, which in order to be held would need the approval of a two-thirds majority in the National Assembly. Such a majority (in fact, unanimous) was achieved in early 2010 and a referendum is now anticipated in March 2011.

Meanwhile, and alongside these constitutional innovations, another kind of consensus developed among the parties during devolution's first decade. This was in the fields of policy and political philosophy. The main initiative came from the First Minister Rhodri Morgan in December 2002 in his so-called 'Clear Red Water' speech he delivered at Swansea University (Morgan, 2002). It was a classic exposition of the claims of social democracy and one that rapidly found a good deal of agreement across the political spectrum in Wales. In it Rhodri Morgan set out a distinctive Welsh Labour stall, one that differentiated his party, not so much from its political opponents, but its political enemies within New Labour in England. "We're not new or old Labour," Morgan said at the time. "We're Welsh Labour." This is how in his 'clear red water' speech he defined Welsh Labour:

There are always going to be those ideological fault-lines in the approaches to social welfare in post-war social policy in Britain - universalism against means-testing and the pursuit of equity against pursuit of consumer choice... The actions of the Welsh Assembly Government clearly owe more to the traditions of Titmus, Tawney, Beveridge and Bevan than those of Hayek and Friedman. The creation of a new set of citizenship rights has been a key theme in the first four years of the Assembly - and a set of rights, which are, as far as possible free at the point of use, universal, and unconditional (Morgan, 2002).

He gave the following examples of how this was being put into practice:

- Free school milk for youngest children.
- Free nursery place for every three year old.
- Free health prescriptions for young people in the age range 16-25.
- Free entry to museums and galleries for all our citizens.
- Free local bus travel for pensioners and disabled people.

Since 2002, of course, free prescriptions have been made universal across all the age ranges. Morgan argued that free services bind a society together and make everyone feel that they have a stake in it. As he put it:

... services which are reserved for the poor very quickly become poor services. That is why my administration has been determined to ensure a continuing stake in social welfare services for the widest possible range of our citizens. Universal services mean that we all have a reason for making such services as good as possible. Free access to social welfare services means that they become genuinely available to the full range of people in Wales, not simply those able to afford them (Morgan 2002).

What was perhaps most remarkable about the speech was that it placed the goal of social democracy firmly within a national project of creating Welsh citizens. By virtue of receiving the universal provision he described, the people of Wales would become increasingly conscious of their Welsh citizenship. The objective

was to cement an ever closer relationship between the Welsh people and their fledgling new institution in Cardiff Bay.

These themes were taken up with some élan in the aftermath of the 2007 Assembly election. The result, which left no party in overall control, required a coalition to lead the government in Cardiff Bay. There followed two fraught months of negotiations in which, at various times each of the four parties in the Assembly faced the prospect of participating in government (Osmond, 2007). At one point there seemed a very real prospect of a so-called Rainbow coalition led by Plaid Cymru with the Conservatives and Liberal Democrats. However, this failed and Plaid Cymru turned as a junior partner to Labour. Remarkably, these arch enemies in Welsh politics managed to stitch together a deal, known as the 'One Wales' agreement. The name was significant. It was drawn from the following lines by the nationalist poet Waldo Williams:

*Ynof mae Cymru'un. Y modd nis gwn.  
Chwiliais drwy gyntedd maith fy mod, a chael  
Deunydd cymodogaeth ...*

In me is Wales one. How, I do not know.  
All the fore-courts of my being I've searched, and found  
The stuff of neighbourhood ...

Waldo Williams, *Cymru'n Un / Wales One*

Central to the agreement was the establishment of a significantly named All-Wales Convention, under the chairmanship of the former UK representative at the United Nations Sir Emyr Jones-Parry, to chart a course to a referendum on greater powers. The One Wales agreement committed to holding this at or before the next Assembly election and is now due to be held on 3 March 2011. In addition, and echoing Rhodri Morgan's 'clear red water', it laid out a social democratic approach to the provision of public services based on what it called a "progressive consensus". This was an important, perhaps pivotal moment in the history of Welsh politics, a kind of coming of age. Certainly, it was one that marked the solidarity so vital for the presence of a political nation.

## Conclusion

After 300 years, the Union seems to have “moved from a constitutional fixture to a constitutional option” (Macinnes, 2007: 326). But has it reached its sell-by date? Certainly, one thing has become clear. After a decade of devolution, the status quo in Scotland as well as in Wales is not tenable. There have already been significant changes to the original 1999 ‘settlement’ in both countries, and further change is inevitable. In one way or another, both Wales and Scotland are on the move.

Despite the stuttering start and the recurring problems of the devolved administration in Northern Ireland, a return to the dark and violent days of the ‘Troubles’ also seems unlikely. But here, too, the present arrangements seem transient. Unionists are pushing for the Assembly to become more akin to a ‘normal’ democracy, while the nationalist/republican parties are still pursuing their goal of a united Ireland. The devolution of justice and police matters were only completed by the end of the first decade of the new millennium.

Wales and Scotland have pursued their unique paths to devolution. But that has not marked the end of the journey. Following the Richard Commission and the All Wales Convention’s recommendations, Wales holds a referendum on 3 March 2011 to decide whether the National Assembly gains further legislative powers akin to those the Scottish Assembly was offered in 1979, with the prospect then of moving towards what was granted Scotland in 1999. In that eventuality the creation of a legal jurisdiction for Wales separate from England, as already applies in Scotland and Northern Ireland, looks inevitable. Meanwhile, following the 2010 general election the Westminster Conservative Liberal Democrat coalition is committed to implementing the recommendations of the Calman Commission, giving the Scottish Parliament greater powers, including greater taxation powers.

A decisive influence on how devolution will develop in future will be the by far and away larger part of the United Kingdom, not discussed in this paper, namely England. Partly under the influence of devolution, but also in relation to the reality of the United Kingdom’s role as a medium-sized state within the European Union, England is steadily becoming more self-consciously English. This can be seen both politically and culturally. In political terms voting patterns, which have always diverged markedly from England in Northern Ireland, Scotland and Wales, continue to throw up strong differences. As a result there are growing demands at Westminster for England to have powers over its domestic concerns in the way devolution has allowed for the three Celtic parts of the UK. This could begin with ‘English votes for English laws’ within the House of Commons and evolve towards some kind of distinctive English Parliament.

The more such trends gather pace, the more the United Kingdom will move from its existing quasi-federal structure towards a more formalised federation (Melding, 2009). There are, of course, difficulties with establishing a federation in the United Kingdom since England would be such an overwhelmingly large component. It may be, therefore, that in the medium to longer term, perhaps somewhere towards the mid 21<sup>st</sup> Century, a confederal solution will be found to the United Kingdom’s constitutional dilemmas. It is noteworthy that, despite their formal commitment to independence, this has been suggested at various times by both Plaid Cymru and the SNP. It is not impossible that the Republic of

Ireland might be tempted to collaborate more closely with such an arrangement as well. In turn that might see some resolution to the current irreconcilable identities within Northern Ireland. The creation of the Council of the Isles, as part of the 1998 Belfast Agreement, may come to be seen as a first step on this road. Looking further ahead we might even see the emergence of something akin to Scandinavia's Nordic Union within the British Isles, co-operating of course within the framework of the European Union.

Decisions at devolved, UK and European levels will further influence the course of constitutional change. Although sub-state regions have been acknowledged in the European constitutional process, they have not made it beyond the margins of recognition. A strong regional tier in European governance would support devolution, an increasingly intergovernmental EU could strengthen tendencies towards 'Independence in Europe'.

Some have described devolution as "a process not an event", others as "a journey with no known destination". The more apocalyptic have likened it to "travelling on a motorway with no exits". Given the character of English/British political culture, which is essentially pragmatic and disinclined to construct elaborate constitutional arrangements, least of all to write them down, developments in the near future are likely to be piecemeal and without any clear sense of direction. Certainly, this is what has most typified the contrasting devolution paths within the United Kingdom thus far.

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