

Devolution or Evolution?

A new strategy for saving the Union

Oliver Lewis

with a foreword by Murdo Fraser MSP

A **PARLIAMENT STREET** Policy Paper

Table of Contents

Foreword 3

Introduction 4

PART ONE – PROBLEMS WITH THE STATUS QUO AND SOLUTIONS

1. A Devolving Union: Accelerating Decline 8
2. An Unfair Settlement: England and Finance 18
3. Nationalist Aspirations: the Need to Accommodate Changing Attitudes 26

PART TWO – CREATING A FEDERAL UNITED KINGDOM

4. Winning the Referendum: Ensuring a Fair Scottish Poll 33
5. Federal UK: Creating the Commission and Its Remit 39
6. Preemptive Action: Addressing the Problems of Federalism 45

CONCLUSION 47

RECOMMENDATIONS 45

Foreword

The United Kingdom is changing. Since the advent of devolution more than ten years ago, we have ceased to be a unitary political state, and increasingly the four nations that make up our country have gone their separate ways. There has been further devolution since then to both Scotland and Wales, and calls for yet more powers to be passed down even beyond this. And, of course, Scotland faces a referendum on full independence from the rest of the UK in 2014.

The creation of a system of asymmetrical devolution was always bound to be inherently unstable. The previous Labour Government made no attempt to address the concerns in England about the consequences of devolution, such as the West Lothian Question, or the widely-held perception that Scotland, Wales and Northern Ireland are subsidised. The pressures and tensions inherent within the current devolution settlement will continue to drive our four nations apart, unless or until a more permanent and settled solution can be found. For those of us who value the United Kingdom as a force for good in the world, and wish to see it continue, the need for that settled solution is a pressing one.

That is why more and more Conservatives and Unionists are interested in a federal solution for the UK. Oliver Lewis has done a great service in presenting so clearly the arguments for a federal constitution, which would create a strong, fair and stable United Kingdom in place of the mishmash that presently exists. His call for a UK Government Commission on this issue is a timely one, and should be given active consideration by those in power.

Murdo Fraser MSP

Introduction

Today the British Union is in greater jeopardy than at any point in its three hundred year history. Since 1999 the constitutional make-up of the United Kingdom has been unstable, defined by an ever increasing transfer of powers from Westminster to the devolved assemblies, a process that is gradually eroding the ties that bind the United Kingdom together.

Since 1999 Scotland has been largely governed by its own parliament and powerful government. Wales, following the March 2011 referendum, now has extensive powers over its internal affairs, as does Northern Ireland following the continuation of the Assembly in 2007. While this process of devolution has, in one respect, been a great success by engaging people with their devolved governments, it has also brought the existence of the Union itself into question by reducing Westminster's role in the periphery of the United Kingdom.

There is little doubt that, in terms of popularity and delivering effective local legislation, devolution has been a success. The Blair Government reforms solved many of the cultural and political discrepancies that came from trying to force very different nations into one state. However, devolution was not introduced as a well thought out or comprehensive overhaul of the constitution, but a series of disparate and asymmetrical measures. Resolving the issues that came from the previous Government's short sighted pragmatism and attitude of 'what matters is what works' should form the basis of modern constitutional policy.¹

This report argues that the imminent referendum on Scottish independence is a direct consequence of this trend of unplanned, nationalist-driven devolution over the last two decades. There is no strategy within Number 10 or the leading parties as to what the Union should look like in twenty years' time. Instead, the leading Unionists are content to simply deny or agree to the Nationalist's demands for more powers. Until the Unionist parties take the initiative and start framing the debate as to what the Union's future should look like there will be no end to the ongoing problems of unplanned devolution and growing nationalist sentiment.

The Conservative Party, traditionally a party opposed to devolution, urgently needs to modify its position and develop a new line on the future of the British Union. While under David Cameron the party has embraced the philosophy of "make devolution work effectively"²; it needs to acknowledge that the upcoming referendum on Scottish independence has, again, changed the dynamic of the debate. The Labour Party by contrast has always supported devolution, but now seems to be struggling

¹ A. Henderson, A porous and pragmatic settlement: asymmetrical devolution and democratic constraint in Scotland and Wales found in Reinventing Britain: Constitutional change under New Labour p. 160

²http://www.conervatives.com/news/articles/2009/02/david_cameron_i_would_govern_scots_with_respect.aspx?cameron=rue

to find a new narrative in light of devolution's role in allowing the nationalists to come to power and call for a referendum.

The question people are asking in Scotland and Wales isn't just how to make devolution work, but how to take devolution to its logical conclusion; independence or full fiscal autonomy. There are now demands for 'devo-max' and growing demand for an English Parliament. The UK Government should not be reactive to these trends, but pre-empt them, it needs to create and promote a new programme that will accommodate the growing demand for devolved powers, create an efficient Union while dealing with the problems that have led to growing demand for autonomy from Westminster. This programme must accommodate the growing demands for greater autonomy while preserving a clear, dominant role for Whitehall. The answer, this paper argues, is federalism.

Federalism is based on the principle of recognising the shared sovereignty of the centre and the periphery, offering a tidy solution to nationalist demands for autonomy. Rather than the, rather poorly defined, shifting responsibilities that define devolution, federalism allows clear clarification of the roles and responsibilities of each layer of Government, ending the constant debate about the future of the United Kingdom. The process of creating a federal system will allow the UK Government to identify and remove all the issues that have emerged with devolution. There are a number of highly successful federations that the United Kingdom can emulate whilst creating this system.

Creating a federal framework will be a complicated task and will take time. However, the upcoming debate on Scottish independence offers a golden opportunity which must be seized. With the Scottish Government open to a third option to independence, the Unionist parties should propose that the third option on the ballot paper should be a federal framework. The referendum is set to take place in 2014; before then the UK Government should create a new Commission which, unlike the previous Commissions such as the Richard Commission, Calman Commission and Silk Commission, will have a remit to consider devolution across the whole of the United Kingdom, and propose a detailed plan for creating a federal United Kingdom. This paper seeks to highlight the areas that it should consider.

This paper believes that the British Union has, and remains, a wholly good thing for the Home Nations of the United Kingdom. It has brought financial security, most recently demonstrated during the financial crisis of 2008 when joint action helped to prevent a major financial calamity. Its combined military strength was recently demonstrated in the battle against Muammar Gaddafi in Libya, whilst the presence of the United Kingdom on the United Nations Security Council has allowed British politicians to campaign for humanitarian intervention in response to the convulsions of the Arab Spring.

With the exception of Northern Ireland, the Union has stood for three centuries without needing to frequently resort to bloodshed. Joint institutions, the Monarchy, the BBC, language, the army among other things, along with a well-integrated economy and long history of co-operation have bound the Home Nations together. The United Kingdom has, and remains, a viable political construct which delivers important benefits for its people. We are stronger, richer and safer together.

Devolution or Evolution?

A federal United Kingdom can answer the problems that devolution has created by offering a new, clear framework to the governance of the British Isles, offering a chance to solve the political and financial unfairness that unplanned devolution has created and offers a chance to satisfy the desires for greater political and social autonomy that many nationalists desire. The Union will be secure, well defined with the benefits of membership intact and the grievances of nationalists settled.

This paper focuses on Wales and Scotland, not out of any disrespect towards the people of Northern Ireland, but due to the unique social and sectarian forces in that province which have distinguished it as a special case not just in Britain but in the world. Any solution for reforming the Union should be extended to Northern Ireland, but it is imperative that Northern Ireland be allowed to develop in its own distinct way, with Unionists and Nationalists at the forefront of any peaceful development.

This project has been the product of interviews, polling analysis extensive research into the legal and economic issues surrounding devolution. It would not have been possible without the kind assistance of the Office of Ruth Davidson MSP, Murdo Fraser MSP, The Scottish Conservatives, senior Conservative advisers in Whitehall, Professor Roger Scully and others.

Part One

Problems with the status quo and solutions

1

A devolving union: accelerating decline

Since devolution began, the British Union has transformed from a strong, centralised state into a dissolving, convoluted web of asymmetrical political establishments each campaigning, to varying degrees, for greater autonomy from Westminster. Proclamations of support for the Union from the three main parties are soon followed by news stories of demands for more power to be devolved to the regional assemblies.

Devolution fundamentally altered the structure of the United Kingdom, yet it failed to provide a clear narrative, an image of what the United Kingdom would look like at the end or to define a purpose for Westminster. Political commentators have noted that since devolution “with her own politics, her own news, today’s Scotland feels a lot further than four hundred miles away from Westminster... it feels that a slow gentle separation is taking place.”³ Interest in Westminster has shifted as a large percentage of voters in the Home Nations instead see the issues that affect them being debated in Holyrood or Cardiff Bay rather than in the House of Commons.

This has translated into a constant belief in the regional areas that more powers should be transferred to the devolved assemblies and a growing belief that Westminster no longer represents their interests. As Westminster is seen as more and more irrelevant, the case for further devolution becomes stronger. This in effect creates a self-perpetuating downward cycle.

There is no doubt that devolution has been a popular measure and that it has delivered for the people of Scotland, Wales and Northern Ireland. In the words of the Calman Commission “It is here to stay”, yet there is also no doubt that the process of devolution has also worn away the bonds of our Union.⁴

Due to devolution Britain has ceased to be a centralised state and is now “a multinational state holding together people belonging to a number of different nations.”⁵ The United Kingdom is today a quasi-federal state in which power rests not with one central authority but is constantly shifting between an emasculated Westminster and the three regional governments in Scotland, Wales and Northern

³ A. Marr *History of Modern Britain*, BBC

⁴ Calman Commission, *Serving Scotland Better: Scotland and the United Kingdom in the 21st Century* p. 5

⁵ V. Bogdanor *The New British Constitution* p.89

Problems with the status quo and solutions

Ireland. In fact one commentator has gone so far as to say that “Scotland to most intents and purposes is already a separate nation”.⁶

⁶ C. Foster *British Government in crisis* p. 270

Attitudes towards devolved assemblies and Westminster

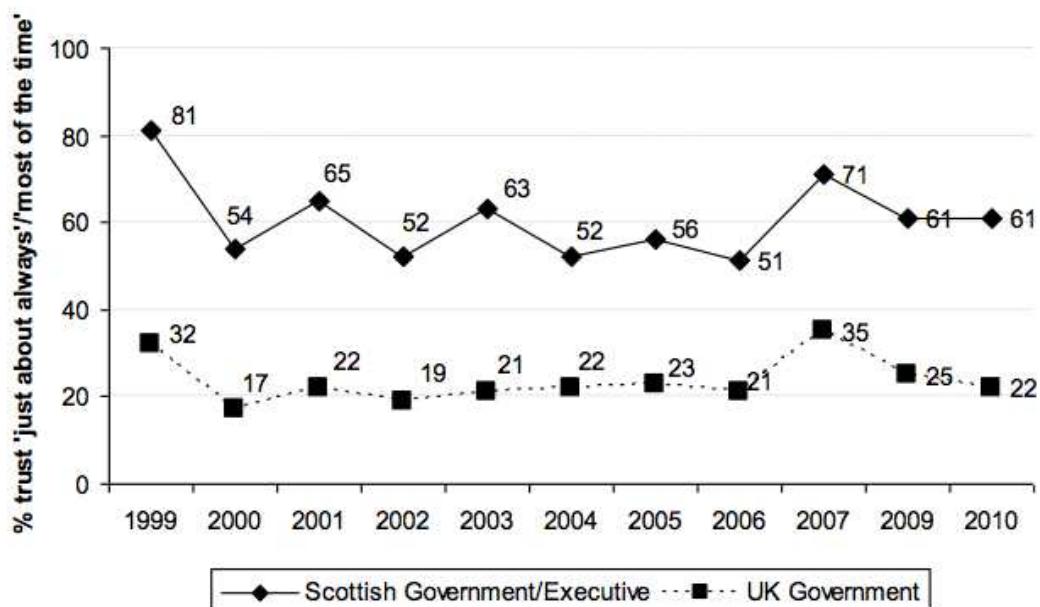
	Percentage agree		
	2001	2003	2007
The Scottish Parliament should be given more powers	68	59	66

Source: Curtice and Seyd

Constitutional options in Wales	Percentage agree		
	1999	2001	2003
Parliament	30	39	38
Assembly	35	26	27
Total	65	65	65

Source: ESRC, *Wales Life and the Times*

Trust in the UK and Scottish Government to act in Scotland's best interests?



Source: The Scottish Government

This process has had two detrimental effects on the well-being of the British constitution. First it has represented a substantial decline in the power of the UK Parliament and UK Government as their ability to govern certain parts of their country has moved away from them. It has also allowed an ever-increasing pace of acceleration to characterise devolution. Nationalists, building on earlier successes demand more powers as time goes on.

Currently the Conservative Party is committed to ‘make devolution work’.⁷ So far this has manifested itself in promises to consider further devolution; however this clearly will not be likely to stem the demand for even more devolution in the future. Instead it runs the risk of simply offering the nationalists another victory and may prompt demands for even more powers; without careful consideration devolution simply prompts calls for more devolution.⁸

RECOMMENDATION ONE: The Government should adopt a new policy on devolution and not simply pledge to make it work more effectively.

Any new solution to the problems of devolution will have to be sophisticated, detailed and, most importantly, definitive. We require an answer to the constant shifting of power away from Westminster and its ever-decreasing significance. In order to achieve this it is recommended that a Commission, with a wide remit, is established to propose detailed recommendations on how to resolve the problems with devolution. The lack of any sort of framework or coherence to devolution should be at the forefront of the Commissions mandate, with their mission being to define the role and responsibilities of each layer of Government as clearly as possible. In short it should design a federal system.

RECOMMENDATION TWO: The UK Government should establish a new Commission to look into creating detailed proposals for a federal United Kingdom.

Asymmetry

Devolution was not introduced in 1998 as part of a comprehensive overhaul of the administration of the United Kingdom but as a series of ad hoc measures, designed to deal with specific concerns. Scotland, which had for years had a number of groups campaigning for devolution, extending back to the referendum of 1979. More recently the Claim of Right that had been drafted by mostly Labour politicians encouraged Tony Blair to offer Scotland a choice on if it wanted a powerful Parliament with tax-varying powers. Northern Ireland, with its long standing violent battles over its future was offered a unique settlement (discussed more in Chapter 5) which included a substantial amount of devolution, while Wales, which lacked such a passionate history, received an Assembly with comparatively few powers.

⁷http://www.conservatives.com/news/articles/2009/02/david_cameron_i_would_govern_scots_with_respect.aspx?cameron=t_rue

⁸<http://www.guardian.co.uk/politics/video/2012/feb/16/david-cameron-scottish-devolution-video>

As devolution has progressed, Westminster has responded to individual Home Nations demands differently, building on these disparate models, leading to three very different systems of Government emerging across the United Kingdom.

Assembly	Powers
Scottish Parliament	Permitted to legislate on all non reserved matters. Entitled to pass primary legislation Direct law making powers Limited direct tax-varying capacity
Welsh Assembly	Only permitted to legislate on 20 “subjects” As of 2011 able to pass primary legislation As of 2011 direct law making powers No direct tax-varying capacity
Northern Ireland Assembly	Permitted to legislate on all non reserved or non excepted matters (i.e. transferred matters) Entitled to pass primary legislation Direct law making powers No direct tax-varying capacity

Source: Scottish Parliament, Welsh Assembly, Northern Ireland Assembly, House of Commons Library

While there is the obvious problem that this has created a “system of amazing untidiness”⁹, the real problem with this asymmetrical system of Government is that it has encouraged a form of ‘constitutional race’ as the Home Nations attempt to match each other’s legislative independence. For instance, in Wales as the First Minister, Carwyn Jones, put it after the Welsh voted for greater legislative powers in March 2011, “We’re now in a position... where we have the same powers as Scotland and Northern Ireland. That has to be right for our people. Now we can sit as full and equal partners within the UK.”¹⁰ One year after a Government of Wales was declared, the Scottish Executive was renamed the Scottish Government, a symbolic, but important, sign of a further breach with London’s authority. Asymmetry and the desire to emulate others have been driving forces behind the accelerating pace of devolution.

What has made this trend particularly harmful is that the rise of nationalist parties with independence agendas in Scotland, Wales and Northern Ireland over the last ten years, either as part of a Coalition, a minority Government or even a majority Government. This has resulted, in the case of both Wales and Scotland, to demands for greater powers from Westminster. While Plaid Cymru has recently suffered a set-back, it is clear that the SNP remains very popular (discussed in chapter 3) and it looks likely that its demands for further devolution are going to be met.¹¹ The asymmetry of devolution

⁹ Douglas Hurd, ‘On the Elective Dictatorship’ First Hailsham Lecture to the Society of Conservative Lawyers, 2001

¹⁰ <http://www.bbc.co.uk/news/uk-wales-politics-12648649>

¹¹ Speech by the Prime Minister in Edinburgh, 16 February 2012

seems set to continue to grow, and as it does so the acceleration of devolution across the UK is bound to increase.

The UK Government must realise that while devolution has been a good thing for the United Kingdom, it is no longer sustainable to deal with cases of devolution in isolation. A new approach to devolution, which seeks to create as much symmetry as possible around the devolved assemblies in the United Kingdom will help prevent further ad hoc devolution across the United Kingdom.

“It is no longer sustainable to deal with cases of devolution in isolation.”

RECOMMENDATION THREE: The Commission should be tasked with creating a symmetrical union with each devolved assembly getting the same powers.

Decline

Since devolution was introduced, the power of the UK Parliament and Government has diminished considerably. The Wales and Scotland Acts of 1998 transferred vast swathes of domestic power from the Secretary of State for Wales and Scotland and invested them within the new Welsh Assembly and Scottish Parliament respectively. Most commentators agree that this represents a serious reduction in the sovereignty of the UK Parliament.¹²

Legally, the UK Parliament remains sovereign. The devolved bodies were introduced by Acts of Parliament, and The Scotland Act of 1998 very clearly states in Section 28 that the presence of the Scottish Parliament “does not affect the power of the Parliament of the United Kingdom to make laws for Scotland.”¹³ The Scottish Parliament is not permitted to legislate on its reserved matters while the Welsh Assembly can only legislate on twenty selected subjects. The establishment of a Supreme Court in 2009 was a powerful assertion of Unionism, with it being asked to solve all issues relating to devolution.

However, while the sovereignty of the UK Parliament may have been affirmed by passing the various acts of the devolution, it doesn’t alter the fact that they were preceded by referenda which showed majority support for devolution. It would have been near impossible, politically, for the Blair government to have done anything other than give the people what they wanted. Also, while technically the United Kingdom retains the right to legislate for Scotland and Wales, the last decade has shown that in reality Westminster now has little control over devolved matters including crime and justice, education, health, agriculture, the environment, transport, economic development and local government. It is seen as politically inappropriate for Westminster to legislate in these areas,

¹² A. Henderson, A porous and pragmatic settlement: asymmetrical devolution and democratic constraint in Scotland and Wales found in *Reinventing Britain: Constitutional change under New Labour* p. 154

¹³ Scotland Act 1998, Section 28 (7)

unless invited to do so for example under the terms of the Sewel Convention. Certain subjects are considered ‘reserved’ which means that they remain only within Westminster’s scope.

The reduced influence of Westminster is seen in the geographic limits of the affected Secretaries of State. To take one example, Free Schools, the flagship policy of the Conservative Party of the last election can only be established in England. As education is a devolved matter and the Scottish National Party (SNP) administration in Scotland and the Labour administration in Wales are both opposed to the Free School policy, it is impossible for the UK Government, despite being the Government for the whole United Kingdom, to introduce its policies beyond England. Compared to 1997, the modern Westminster Government and UK Parliament have less power and influence over the administration of around 15% of its population.

The different electoral systems that the regional assemblies use to elect their members have allowed nationalist leaders to also claim that they are better placed to represent the people’s voice than the first-past-the-post system used in Westminster. In the words of Alex Salmond “Scotland has a system of proportional representation which at least ensures that minority voices have a chance of being represented in our parliament”¹⁴

While various measures exist to prevent power struggles between the devolved assemblies and Westminster these have been very ineffective when it has come to Wales due to the Wales Act of 1998 restraining the Assembly to a few specified ‘subjects’ rather than giving it ‘reserved matters’ like Holyrood. Even in Scotland the deportation of the Lockerbie bomber, which compromised the United Kingdom’s relationship with the United States is but one example of how the blurred definitions of responsibility and competition between Holyrood and Westminster compromised the governance of the United Kingdom.

RECOMMENDATION FOUR: The Commission should be tasked with specifying the role and remit of each layer of Government in the United Kingdom and establishing clear power relations between them.

Reserved matters

- defence
- UK foreign policy
- social security
- financial and economic matters
- employment
- constitutional matters
- immigration and nationality
- monetary system
- common markets
- some transport
- data protection
- energy
- gambling
- medical ethics

Source: The Scottish Parliament

¹⁴ Alex Salmond, BBC 2, Newsnight, 25 January 2012

Acceleration

More devolution may seem like a simple, neat answer to today's problems, and some leading commentators are already calling for the Conservative Party to champion 'devo-plus', a new proposal put forward by Reform Scotland, which would, instead of granting Scotland full fiscal autonomy, would simply expand its fiscal autonomy considerably but will leave VAT and national insurance in Westminster's hands. Whilst appealing in its simplicity, this would simply be yet another addition to the growing history of separation and is likely to lead to new fights over where the expanded purview of Holyrood ends, and will lead to fiscal difficulties as recently observed by Gordon Brown. Offering

The Scottish Parliament

The Scottish Parliament has 129 elected Members of the Scottish Parliament (MSPs) with 73 constituency members, and with additional members elected via an Additional Member system (ASM), a form of proportional representation is used to elect the rest.

Scotland continues to have 59 MPs in the House of Commons.

The Welsh Assembly

The Welsh Assembly has 60 elected Assembly Members (AMs) with 40 constituency members, and an additional 20 chosen to represent the five regions of Wales

Wales continues to have 40 MPs in the House of Commons.

The Northern Ireland Assembly

The Northern Ireland Assembly has 108 elected Members of the Legislative Assembly (MLAs) using the single transferable vote. Governments are formed using the d'Hondt system which allocates positions of power according to the number of seats a party has in the assembly forcing a mandatory coalition.

Source: The Scottish Parliament, The Welsh Assembly, The Northern Ireland Assembly

more devolution without clearly specifying the role and remit of each layer of government and assembly will simply lead to further calls for devolution and independence at a later point.

The location of power in the United Kingdom is still shifting. The increasing transfer of powers from Westminster has been a constant theme of the last two decades. Devolution is not something that 'happened' in 1998 when the Blair Government introduced a series of Bills. It is a process, with a history dating back to 1989 and the Claim of Right, if not earlier, which is continuing to this day.

**Devolution is not
something that 'happened'
... It is a process**

The increasing pace of devolution

Date	Event
11 September 1997	74% vote in favour of a Scottish Parliament and 63% vote for Parliament to have powers to vary the basic rate of income tax
18 September 1997	50.3% vote in favour of a Welsh Assembly
10 April 1998	Good Friday Agreement creates the Northern Ireland Assembly
19 November 1998	The Scotland Bill receives Royal Assent establishing the Scottish Parliament.
1 July 1999	Scottish Parliament officially convened, transferring power from the Secretary of State of Scotland to Scottish Ministers
18 January 2005	Scottish Executive given control over Scotland's railways
25 July 2006	Government of Wales Act receives Royal Assent, allowing more powers to be transferred to the Welsh Assembly more easily and establishes the Welsh Government
August 2007	Scottish Executive renamed "Scottish Government"
27 November 2008	Scottish Government is given control for all planning and nature conservation up to 200 miles from the Scottish coast.
12 April 2010	Policing and justice powers transferred to the Northern Ireland Assembly
3 March 2011	63% vote for the Welsh Assembly to be given greater law making powers in the Welsh Devolution Referendum
22 June 2011	Scotland Bill giving Holyrood control of £12 billion worth of financial powers is passed by the House of Commons
10 January 2012	Scottish Government publishes "Your Scotland, your referendum", a consultation document preparing the way for a referendum on independence,
1 May 2012	The Scotland Act 2012 is given Royal Assent, giving Scottish Government borrowing powers, the power to set income tax rates and further control over transport issues

Source: *The Scottish Government, the House of Commons Library*

While the principle of devolution is clearly understood as the transfer of powers from British Ministers, Departments and Parliament to regional bodies, the reason behind this transfer has not been clearly defined. Originally branded by the Labour Government of Tony Blair as a bold measure towards local government, it has been adopted by nationalist groups around the United Kingdom as a tool for achieving independence.¹⁵

Since the original assemblies were established in 1998, there has been a move towards ever increasing devolution, with more power passing from Westminster to the regional bodies with increasing frequency. The rise of nationalist governments in Scotland, Wales and Northern Ireland has led to more demands for powers, with the nationalist groups pointing to the previous success of devolution as evidence of the need for further powers. In the words of the SNP;

“We have shown what it is possible to achieve with devolution, but Scotland's parliament now needs job creating power and the ability to grow Scotland's economy faster so we can reduce the impact of the cuts.”¹⁶

This nationalist trend saw Plaid Cymru demanding in 2007, as part of the “One Wales” coalition agreement with the Labour Party, a referendum on new law making powers and more recently the SNP demanding more radical measures in the new Scotland Act.

There has been an array of commissions which have proposed more powers to the devolved assemblies. The Richard Commission in 2002 proposed that further legislative powers be transferred to the Welsh Assembly. Currently the Silk Commission is considering the case for increasing the power of the Assembly and to give it fiscal powers while Deputy Prime Minister Nick Clegg has made it clear that he supports giving tax raising powers to the Welsh Assembly.

This perpetual trend of ever-increasing devolution should concern supporters of the Union, as opponents of devolution pointed out in 1997, “Devolution is a stepping stone to independence”. Ever increasing devolution runs the risk of making the Home Nations of the United Kingdom effectively independent states, and without clearly defining a role for the Westminster Government or a clear ‘end game’ to devolution. It has allowed those who propose independence to present it as the next logical step. Today relationships between Westminster and the devolved assemblies are defined by bickering, unclear divisions of power and a lack of consensus on the future of the Union. The now-inevitable referendum on Scottish independence is the most serious threat that the Union has faced in its 300 year history, but it is only part of a much longer trend that has been dissolving the Union since devolution began at the end of the last millennium.

¹⁵ Devolution in Scotland House of Commons Library Standard Note SN/PC/3000

¹⁶ <http://www.snp.org/vision/better-scotland/independence>

2

An Unfair settlement: England and Finance

The disparity between the Home Nations of the United Kingdom is not only increasing in scale, but has also allowed for significant legislative differences to emerge across the United Kingdom. Such is the power that has been vested in them, that if the Scottish Parliament wished to it could abolish the National Health Service in Scotland. Scotland, Wales and Northern Ireland, able to pass their own primary legislation in a range of domestic issues have now changed life substantially within their Home Nations. The steady rate of regional legislative change is best indicated by the quick increase and then subsequent steady rate of Acts that have been issued by the Scottish Parliament since 1999;

Year	Number of Acts passed by the Scottish Parliament
1999	1
2000	12
2001	15
2002	17
2003	19
2004	12
2005	16
2006	17
2007	19
2008	7
2009	12
2010	18

Source: The National Archives

This has led to some wide legislative differences throughout the United Kingdom. The Scottish Parliament for example has provided for the finance of university students, perceptions and the salaries of teachers. By 2007 the Welsh Government was spending £4,000 on every man, woman and child in Wales.¹⁷ Suddenly the extent to which one can expect support from the state seems to depend in which area of the United Kingdom you happen to live.

While geographic variation isn't something that should be opposed dogmatically, as variation permits experimentation and possible emulation, in other areas the current system of devolution doesn't permit this. The distinct lack of a devolved assembly in England prevents emulation of Scottish, Welsh or Northern Irish policy. Currently, short of politicians representing the whole United Kingdom in Westminster deciding to give England the same policies, there is no body which can offer England the same domestic policies that the other Home Nations are enjoying. At the same time the complex funding system for the devolved assemblies gives the impression that Scotland, Wales and Northern Ireland are receiving too much money compared to the rest of the United Kingdom and that the English are subsidising their fellow Briton's better quality of life.

This system needs to be reformed so that any unfairness can be addressed. As it stands the Unionist Parties have an opportunity to become the champions of England, and to correct what is widely perceived as a major injustice, while at the same time can establish a more effective, and simple, mechanism for raising revenue for the Treasury and allocating funds around the United Kingdom.

The English question

Currently England is the only Home Nation in the United Kingdom which has not benefitted from devolution, lacking any sort of assembly or Parliament that will deal with exclusively English concerns. While there were attempts to create regional assemblies with the Regional Assemblies (Referendums) Act of 2003, the resulting referendum in 2004 for the creation of a North-East Assembly was a heavy defeat for devolution.

This regional solution however, wouldn't have solved the main problem that arises from a lack of an English Parliament. Currently there is a constitutional imbalance at the heart of Whitehall, in the UK Parliament today Scottish or Welsh MPs are able to vote and potentially determine whether or not certain Education or Health policies are enacted in England, yet English MPs have no say over Education or Health in Wales or Scotland as these measures are decided by the devolved assemblies. Considering that there have been times that Governments have depended on Welsh or Scottish MPs in order to retain a majority (In 1964 and 1974 the Government was dependent on votes from Scottish

There is no body that will seek to introduce policies that will best-suit the English

¹⁷ <http://news.bbc.co.uk/1/hi/wales/6992861.stm>

constituencies) this raises serious concerns about how fairly this system treats England, when its domestic policy can be decided by people who have no stake in it.

This imbalance, known as the English Question (also known as the West Lothian Question), has encouraged, over the last decade, an increasing English political identity and a growing resentment of the other Home Nations who are seen as having more rights.

It is thus essential for the English to have a body politic, composed solely of representatives from England who can legislate on domestic affairs and allow England to either emulate or innovate as it sees fit. An English wide solution is required, regional assemblies will not solve this question unless they have the same devolved powers as the Scottish Parliament and Welsh Assembly (which means seriously proposing that Yorkshire and Devon have utterly different health and education policies).

English nationalism and the campaign for a separate English politics have been dismissed as damp squibs.¹⁸ While in the decade immediately following devolution support for an English parliament remained at a relatively low 25%, there are signs that this is starting to change in light of the recent policies enacted by the SNP government in Holyrood and feelings of resentment. There is now a campaign for an English Parliament and a party dedicated to English devolution; the English Democrats.¹⁹ Recent polling suggests that these movements may enjoy growing support in the near future; 45% of English voters say that Scotland "gets more than its fair share of public spending", the percentage almost doubling since 2000. 40% of English voters also say that England gets 'less than its fair share of money'.²⁰ The proportion of the population who prioritise their English identity over their British identity (40%) is twice as large as those who prioritise their British identity over their English identity (16%).²¹ 59% say they do not trust the UK Government to govern in the long term interests of England.

The Labour Party has dismissed the idea of an English Parliament, while the Conservative Party has campaigned for the establishment of a new system whereby only English MPs could vote on English laws. The West Lothian Commission headed by Sir Stephen Laws has subsequently been set up by the Coalition to look into how to realise this idea. This is a good idea, and will, at least in the short term, provide some answers to the belief that England is not being represented, although recent research by the Institute for Public Policy Research (IPPR) warns that this will fail to tackle English concerns about their political rights - which is why the Unionist Parties need to be bolder in the future. One opinion poll found that 53% of English voters "strongly agreed" and another 26% agreed that Scottish MPs should be barred from voting on England-only laws now there was a Scottish parliament.²²

However, there is only so far that this will go. Professor Bogdanor has pointed out that this leads to a possible situation of an English majority being different to a British majority, and requiring the front

¹⁸ V. Bogdanor The New British Constitution p.99

¹⁹ <http://www.thecep.org.uk/>

²⁰ IPPR The dog that finally barked: England as an emerging political community p. 2

²¹ IPPR The dog that finally barked: England as an emerging political community p. 2

²² <http://www.bbc.co.uk/news/uk-politics-17183062>

bench to swap whenever ‘English’ Bills come before Parliament. It will also require the Speaker to determine which bills are ‘English’ Bills, hardly an obvious distinction.²³ ‘English votes for English laws’ therefore makes the UK Parliament a temporary English Parliament for set periods, but with a great deal of potential confusion and without the possibility of clearly defined ‘English’ bills. An English Parliament may well be expensive, but judging by the administrative problems that the current policy may create, and the growing suspicion of the UK Parliament in England, an English Parliament may well become inevitable.

RECOMMENDATION FIVE: The Commission should be tasked with looking into the issues with granting England devolution and should investigate ways of making it work.

It may well prove to be the case that if the cost of the English Parliament proves too high then the UK Government may decide to restrain from committing itself to it. There is no reason why ‘English votes for English laws’ will not abate anger for a little while. However there should be a mechanism, such as petition, that the UK Parliament will accept as a clear sign that the people of England want their own parliament and are willing to accept the costs. The time that an English Parliament is introduced should be one of England’s own choosing.

The funding question

When it comes to taxation and funding, devolution has made very little impact in the way the UK is managed. The UK is, ironically, one of the most centralised nations in the developed world when it comes to collecting taxes. The only other country in Europe where central government collects more than 90% of public sector taxes is Greece. Currently, only the Scottish Parliament has tax varying ability and this is very limited. This highly centralised taxation system means that the regional assemblies are dependent on the Westminster government for their funding via the bloc grant.

Reform Scotland has recently produced a report on “Devolution Plus” which has highlighted the absurdity of this current arrangement. Today Holyrood has responsibility for just below 60% of Scottish public sector expenditure and yet despite this it only has the ability to raise 6.4% of its funding with the remainder coming from Westminster via the bloc grant.

The key problem with this is that it makes the Home Nations dependent on a bloc grant which means that The Scottish Parliament is not accountable to the people of Scotland. Only if its budget comes, at least primarily, from devolved taxation can it be genuinely accountable.

The complex system for funding the bloc grant is often criticised for being convoluted and unfair and is in dramatic need of an overhaul. Calculating how much money that Scotland and Wales is owed is done via the Barnett formula. Scotland, Wales and Northern Ireland are financed though a bloc grant which ensures that each Home nation receiving a fraction of the total United Kingdom spending.

²³ V. Bogdanor The New British Constitution p.102 - 3

	Income £Millions	% of total	Expenditure £Millions	% of total
Westminster (inc geographic share of oil)	44,349	75.0%	24,144	40.80%
Scotland (Holyrood & local authorities)	3,783	6.4%	35,026	59.19%
Total Scotland	48,132		59,170	

Source: Reform Scotland (2009/10 Tax Year)

The calculation is very basic and does not consider how much revenue each Home Nation could raise by itself or the needs of the population in each Home Nation. Instead the Barnett formula allocates an amount to each Home Nation based on the percentage of the total UK population living there. This means that public spending in Scotland can be higher per head than in most other parts of the UK, even though the taxes collected are not, so that Scotland benefits from sharing in wider UK taxes.

This funding system means that the Home Nations are always related to each other and that should spending in one of them increase or decrease then the others would follow this trend.

In actual monetary figures, this works out as the following ;

Total identifiable expenditure on services by country and region per head (£)

Tax Year	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10
Eng.	5,171	5,495	6,051	6,474	6,791	7,051	7,440	7,959	8,531
Scot.	6,273	6,627	7,280	7,578	8,227	8,569	9,035	9,411	9,940
Wales	6,000	6,504	6,982	7,367	7,878	8,228	8,582	9,128	9,709
N.I.	7,003	7,428	7,862	8,286	8,716	9,996	9,536	10,046	10,564

Source: HM Treasury

There clearly remain wide discrepancies as a result of this formula with England consistently receiving less per capita than the other Home Nations. Barnett himself viewed the formula as unfair. He wrote in 2004 that "It was never meant to last this long, but it has gone on and on and it has become increasingly unfair to the regions of England."

A new system is needed as the Barnett formula is not only unfair, it also fails to take into account regional need, regional variation in public spending and regional rates of taxation. The funding of

regional governments should be transparent and connected to tax receipts. The Barnett formula is also unpopular with nationalist parties who see it as keeping their regional assembly as too dependent on Westminster and also see their percentage advantage steadily eroding due to shifting demographics.

The Calman Commission, which the Coalition Government has pledged to support, has recommended replacing the Barnett formula with a new UK-wide needs assessment. However, this offers the prospect of more unforeseen and complicated funding problems as disputes over what quantifies ‘needs’ and who should quantify these ‘needs’ are likely to emerge.

It would be better for the Home Nations to raise their own revenue. Fiscal autonomy is the next great debate of devolution, and any new federal framework should take into account how much fiscal power should be transferred. The benefits of fiscal and economic autonomy were recently highlighted by Alex Salmond;

“With independence we can work together to make Scotland a more ambitious and dynamic country. We could create an environment where our existing and new private industries can grow more easily. We would have the economic levers to create new jobs and take full advantage of our second, green energy windfall.”²⁴

Thus, by offering Scotland and the other Home Nations fiscal autonomy, one of their chief grievances automatically ends. Some groups like Reform Scotland have proposed that certain budgets, such as pensions, granting the devolved nations the ability to raise their own income via income tax, corporation tax plus a geographical share of natural resources will allow the regional assemblies and governments to be truly accountable. However Westminster will also need to raise its own revenue. This will likely mean that there will need to be separate Treasury and revenue teams established in the Home Nations in order to prevent confusion; the Calman Commission’s suggestion that the replacement of the Scottish Variable Rate of income tax, a new Scottish rate of income tax could still be collected by HMRC is a self-explanatory example of the confusion that could be caused without creating new institutions.

The Calman Commission’s proposals for allowing devolved tax revenue to substitute some of the bloc grant give some idea as to how greater fiscal autonomy can be realised;

“The UK Government should reduce the rate of income tax applying in Scotland, at all rates, by 10 pence in the pound, and then reduce the grant to the Scottish Parliament by an equivalent amount. This would, in practice, allow the Scottish Parliament to levy its own “Scottish rate” of income tax (applying to all rates) to reinstate at least some of that income, or to raise even more. So if the Scottish Parliament set a Scottish income tax rate of 10 pence then Scotland’s overall income tax rates would be the same as the rest of the UK and its spending would be the same as it would have been if it had been funded wholly by grant. But the Scottish Parliament could also decide to set a higher or lower “Scottish rate” than 10 pence, and its budget would be affected accordingly. The same principle should

²⁴ <http://www.snp.org/vision/better-scotland/independence>

be applied to the whole of the four taxes we have identified for devolution. This will mean that over one third of devolved current spending would be funded by taxes decided and raised in Scotland.”²⁵

The UK Government should assert its belief in the simple but fair principle, that every level of Government should be responsible for their own tax collection and spending. This will free regional government allowing genuine policy innovation, the fiscal consequences of such innovations to be monitored and the regional governments held accountable. This is building on a principle that already exists; the Scottish Parliament has always had the power to vary the basic rate of income tax in Scotland by 3 pence in the pound.

RECOMMENDATION SIX: The Commission should be tasked with looking into how much fiscal autonomy should be granted to the Home Nations.

RECOMMENDATION SEVEN: The Commission should be tasked with looking into creating new institutions to manage fiscal autonomy

RECOMMENDATION EIGHT: The Commission should be tasked with determining which taxes fall under each Government’s purview and what form of taxation allows each Government to pay for its own services with no overlap or confusion.

There has been opposition to too much fiscal autonomy, the Calman Commission argued

“In an economic Union devolving taxation could introduce serious economic inefficiencies, and the UK tax system is comparatively administratively efficient for taxpayers and government. We do not want to undermine or distort the efficient UK single market or create undue compliance costs.”²⁶

There is no reason why this should be the case, so long as Westminster retains the ability to legislate to protect the single UK market. In fact the Commission itself finds four taxes which should be devolved, Stamp Duty on property transactions, the Aggregates Levy, Landfill Tax and Air Passenger Duty. The report also argued that the Scottish Parliament should have access to income from all of the rates of income tax, but that it should not be able to change the nature or the structure of the tax. An investigation should look into giving Scotland and Wales the ability to tax their own resources. North Sea oil production also has generated £300 billion in tax revenues for the UK Government, in 2011 -12 alone North Sea oil is forecast to generate £13.4 billion.²⁷ However, it is obvious that Westminster and Holyrood will have to agree which resources will fall under which Government’s taxation purview.

RECOMMENDATION NINE: The Commission should investigate how fiscal autonomy can be realised without endangering the British single market.

The Calman Commission proposal to allow MSPs to set income tax rates was introduced in the 2012 Scotland Act. A number of its other fiscal ideas should be investigated in more detail to improve

²⁵ Calman p8

²⁶ Calman p7

²⁷ The Scottish Government

dialogue between Westminster and the devolved administrations discussions when it comes to fiscal affairs. The recommendation that the present Finance Ministers' Quadrilateral Meeting become a Joint Ministerial Committee on Finance, meeting regularly to discuss spending, taxation and macro-economic policy issues is a particularly interesting idea – and attempts to further institutionalize dialogue between the two levels of Government should be investigated and expanded.

The Commission will have to also consider the Azores case in the European Court of Justice which determined the principles that apply in deciding whether a tax regime is in breach of state aid rules on grounds of Regional Selectivity. It will also have to consider the Calman Commission's fear that ending the bloc grant will compromise "fairness in the provision of those welfare services which are part of the social Union." However, this does not need to be achieved by controlling the grant, but via Westminster establishing itself as a protection service, to ensure that all people in the British Isles are entitled to the same rights.

RECOMMENDATION TEN: The Commission should investigate how Westminster can make itself a more effective champion of basic rights across the UK and in the devolved regions.

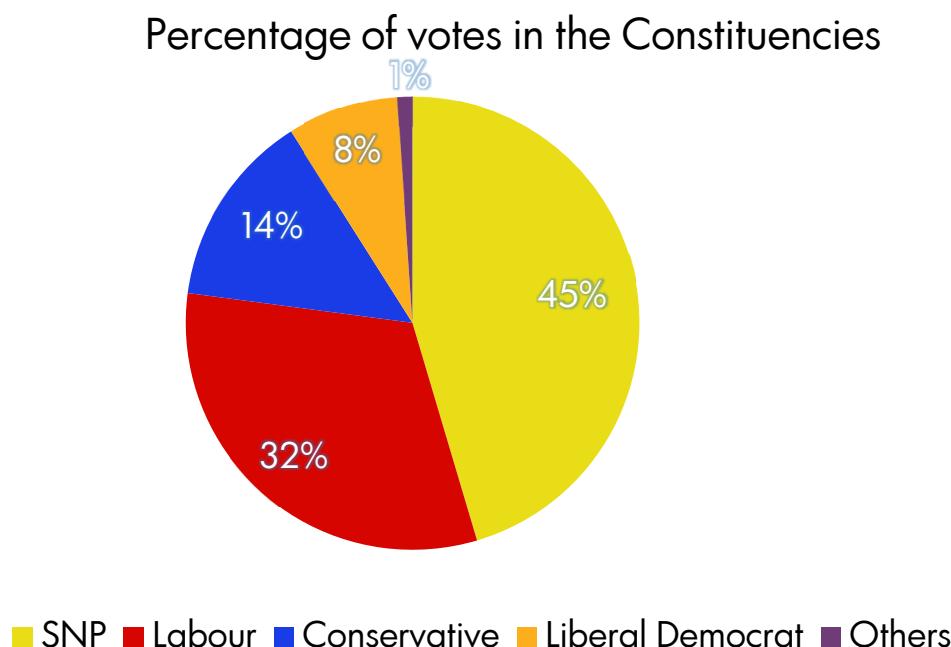
3

Nationalist aspirations: the need to accommodate changing attitudes

By creating regional parliaments, devolution has given regional nationalism a boost. By granting historic countries geographic distinction and political autonomy, it allowed regional nationalism to add a clear political dimension to their cultural patriotism. Nationalist parties have since used the argument that regional assemblies are a stepping stone to independence and presented independence as the only acceptable settlement for nationalist aspirations, as put by Alex Salmond:

"The case for independence is a fundamental one. It is about Scotland as a nation and nations have a right to self-determination."

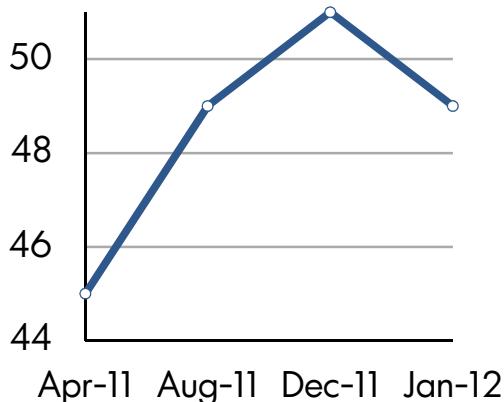
Scotland Election results 2011



Source: BBC News

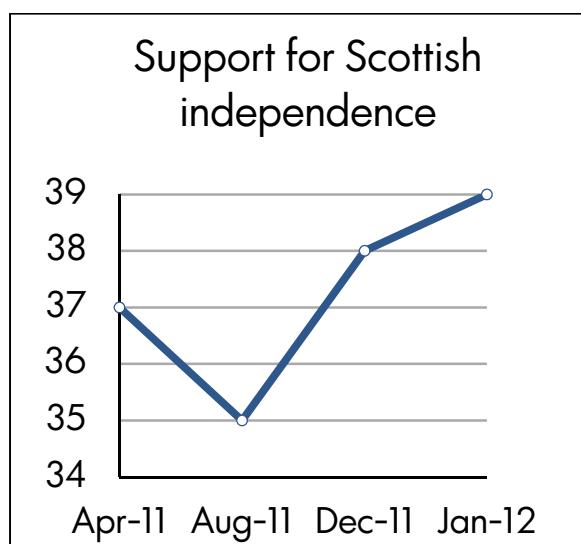
The issue facing the Union however isn't the rise of independence sentiment in the wake of devolution, but the failure of the Unionist is their inability to realise that nationalist sentiments are becoming more and more important to an increasingly large percentage of the population. There is no doubt for example that the SNP is popular. It won a majority at the last Scottish election and also continues to enjoy strong support in the country,

SNP voting intention



Source: New Statesman, Ipsos-MORI

However this hasn't been matched by a rise in support for independence which has for the last decade stayed constantly around the 25 - 35% support range and since the SNP won a majority at the last election has remained a minority cause;



Source: New Statesman, Ipsos-MORI

Support for independence has remained as a low interest and in recent months has been in decline (while some surveys have predicted a majority will support Scottish independence these have been criticised for being poorly conducted polls.²⁸) even in the apparent SNP landslide of the 2011 Scottish election, while 45% voted for the SNP, 54% still voted for Unionist parties. The SNP's victories, while apparently impressive have been only in one limited sphere: Scottish domestic politics. The SNP scored its highest vote in a General Election (30%) in 1974; in 2010 it only achieved 20%.

²⁸ <http://www.spectator.co.uk/coffeeshop/7612928/a-skewed-response-to-a-skewed-question.html>

In Wales support for independence is even lower. Plaid Cymru has only recently embraced the idea of Welsh independence, and its political importance has dropped in wake of its poor electoral performance. Support for Welsh independence is a small minority interest, hovering at around 10%. An ICM poll held in March 2012 found that while only 7% of Welsh people supported independence 36% believe that some tax-varying powers should be devolved to Cardiff within limits determined with the UK Government.

There is also no evidence that devolution has brought with it a rise in regional national identity; trends that have led people to feel more ‘Scottish’ or ‘Welsh’ than ‘British’ are long standing and don’t have any apparent connection with devolution.

Trends in National Identity in Great Britain

	1974	1978-9	1991-2	1996-7	1999	2001	2003
England							
English			31	34	44	43	38
British			63	59	44	44	48
Scotland							
Scottish	65	56	72	72	77	77	72
British	31	38	25	20	17	16	20
Wales							
Welsh		59		63	57	57	60
British		34		26	31	31	27

Source: Devolution & Constitutional Change²⁹

²⁹ <http://www.devolution.ac.uk/Final%20Conf/Devolution%20public%20attitudes.pdf>

Clearly the recent rise of the SNP has not been parallel to the rise of Scottish National identity, while research by Professor Roger Scully of the University of Aberystwyth has not found a rise in the feeling of Welshness since devolution was introduced.³⁰

However there can be no doubt, as support for nationalist parties and research such as the table above show, that nationalist sentiments are becoming important to a growing segment of the population. Academic studies have concluded that

“People living in Scotland give much higher priority to being Scottish over being British. This holds broadly true for gender, social class, religion and region. Nevertheless, most people claim dual identity, and that Scots still remain ‘British’ in significant numbers. Compared with Wales and England, people in Scotland are much more likely to emphasise their Scottishness over their Britishness than either the Welsh or the English.”³¹

There is clearly a Scottish identity and a Welsh identity that has emerged, but this should not be confused with popular support for independence. It is obvious however that regional patriotism has translated into strong support for the devolved assemblies and for the idea of stronger regional representation seen in both poll surveys and constantly high turnout in regional elections.

A Scottish identity and Welsh identity that has emerged, but this should not be confused with a support for independence.

Scottish Elections

Election	Turnout (%)
2011	50.7
2007	51.8
2003	49.4
1999	59.1

Source: BBC, Electoral Commission

In a survey in March 2012 one survey found that only 22% of Welsh voters would like to end devolution.³² Support for the devolved bodies is clearly high, as Professor Roger Scully put it, a rise in national identity has been matched by a rise in a political national identity as well (as one interviewee put it about the Welsh Assembly “It’s crap, but it’s our crap!”³³) but not by an increase in support for independence.

³⁰ Private Conversation

³¹ University of Edinburgh briefing paper National Identity in Scotland David McCrone

³² <http://www.bbc.co.uk/news/uk-wales-politics-17212309>

³³ Private Conversation

There is also a clear support for the devolved assemblies having more power. Support for the vague idea of ‘devo-max’ is very high in Scotland with YouGov in January 2012 showing that 58% supported full control of domestic matters and tax-raising powers. 36% of the Welsh public want some tax-varying power to be passed to Cardiff Bay. 80% of English voters agree with devo-max as defined as full fiscal autonomy, with 44% agreeing strongly.³⁴

Any long term solution to the Union and the ever increasing separation must take into account this strong loyalty to the regional assemblies. The people of Scotland and Wales consider themselves to live in nations and appear to wish to either retain or expand their internal powers.

Any renewal or reform of the Union must accommodate this new large attachment to the periphery. As argued earlier, the issue with this isn’t the problem with increasing devolution, but the problem of accelerating unplanned devolution which leads to competition, poorly defined roles and other problems. ‘Devo-max’ for example threatens to create competing fiscal institutions and renewed arguments over the legislative and fiscal purview of Westminster and Holyrood, sentiments which will be costly, time consuming, create inefficient compromises, delay legislation, prevent good governance and cause real harm to support of the Union.

There should be no issue with recognising Scotland and Wales and potentially England as nations within the United Kingdom and the Conservative Party should be at the forefront of this and enacting real clauses to realise this. This has been achieved in other federations, such as Canada where Quebec has been recognised as a nation within Canada and in the United States where the individual states have many powers and rights that usually belong to nations (see below). Proposing to pass greater fiscal powers to Scotland as outlined in Chapter 2 will go a long way to achieving this, but the UK Government needs to also recognise, formally, that the Home Nations are nations in their own right and seek to present the United Kingdom as a form of supra-national entity.

RECOMMENDATION ELEVEN: The Commission should investigate how a new federal United Kingdom can recognise the Home Nations as Nations.

Recognising England, Wales and Northern Ireland as nations will require the UK Parliament to consider whether it recognises the sovereignty of the Scottish Parliament and the Welsh Assembly and explicitly state that it cannot legislate to abolish these bodies. This will require an assessment of the current set up of the United Kingdom, as put by the deputy president of the Supreme Court, Lord Hope of Craighead "the sovereignty of the Crown in Parliament ... is the bedrock of the British constitution". However, redefining sovereignty and placing it within the periphery will bring it into line with many other federations which work on the basis of the states being sovereign and passing limited sovereignty to the Federal Government. The Tenth Amendment of the United States for example states;

³⁴ IPPR The dog that finally barked: England as an emerging political community p2

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”

Simultaneously therefore the Scottish Parliament and Welsh Assembly must pass acts declaring that they will pass limited sovereignty to the UK Parliament.

RECOMMENDATION TWELVE: The Commission should investigate how sovereignty can be defined in a federal United Kingdom.

This will hold an appeal for both parties. It will confirm Labour’s historic commitment to devolution, while not compromising its belief in the Union. It will also mean that the Conservative Party can brand itself as the national party of England, Scotland and Wales resolve the fiscal problems and create a new framework which should resolve nationalist grievances while expanding Westminster’s purview within the Home Nations. The Conservative Party will be returning to a previously successful approach by doing this, as put by Murdo Fraser the prominent Scottish Conservative MSP, “fifty years ago the patriotic, Saltire-flying Scot voted unionist.”³⁵

Finally, it is worth noting that while it is inconvenient for British politicians to note the growth of regional nationalism, there is no simple solution for reversing this trend. Communities are organic. Britishness cannot be created. It will be rejected, as was seen in the poor reaction to the last Labour Government’s proposals for Union flags flying outside people’s houses. As the political scientist, Richard Rose put it, patriotism and a feeling of belonging to a nation ‘is a state of mind, not a consciously organized political institution.’³⁶

Nationalist sentiment, feelings of loyalty to the patria have to develop out of genuine affection towards the country. This can only be achieved by dealing with the grievances and showing the benefits of belonging to the Union. This means addressing the problems that the nationalists have identified. Scottish or Welsh nationalism cannot be out-competed; the UK Government should embrace the Saltire and the Welsh Dragon.

³⁵ Private conversation

³⁶ R. Rose Understanding the United Kingdom p29

Part Two

Creating a Federal United Kingdom

4

Winning the referendum: ensuring a fair Scottish poll and a strong, positive message

This chapter focuses on the upcoming referendum on Scottish Independence. Having identified the problems that have led Britain to the point where an independence vote has become inevitable, but appreciating the lack of support for independence, the Unionist Parties needs to adopt a stance which will not compromise the natural support that Unionism in Scotland has and should seek to make a strong case for the Union.

The ‘Better Together’ campaign, publically led by the Rt. Hon Alastair Darling, has enjoyed some success already. Since its launch support for independence has declined.³⁷ The campaign has adopted a very sensible strategy of embracing Scottishness while stressing that this isn’t compromised by being in a Union with England. It has the clever campaign line of ‘We want the best of both worlds’ - a reference to having a strong devolved government while enjoying all the benefits that the Union confers on Scotland.

Presiding over the end of the Union will be a serious failing for both the Unionist Parties and the Prime Minister personally. It would undoubtedly weaken the Conservative Party’s claim to be a natural party of government, as a substantial part of the country would have left, and this is likely on the basis of SNP advertising which will highlight the benefits of escaping from a Conservative-led UK Government. It will also be a profound emotional and political blow for the Labour Party which has historic roots in Scotland.

While the Prime Minister and the Scottish Conservative leadership team have stated that they are loathed to put forward specific ideas for reform until after the referendum, this is a flawed approach and risks alienating supporters of the Union. It is likely that the SNP will brand the unwillingness of the Unionist parties to detail their proposed reforms as evidence that there are no plans, and that voting for the Union is voting for stagnation. By doing this the Unionists are destroying any dynamic or connected image that they might have. It is telling how the SNP responded to the launch of the ‘devo-plus’ campaign. A spokesman for Scottish first minister Alex Salmond said: "Scotland is in a

The SNP are attempting to define what a “No” vote means. The Unionist parties must not allow them to do so.

³⁷ Ipsos MORI

process of independence, and we welcome this contribution to the debate on the need for substantial economic, financial and social powers for the Scottish Parliament. The ‘devo plus’ launch reinforces the need for clarity, in place of the current confusion, about what ‘No’ in the referendum from the Tories and other anti-independence parties actually means. This information needs to be in the public domain well before the referendum.³⁸ Already the SNP are attempting to define what a “No” vote means, the Unionist parties must not allow them to do so.

This Commission’s recommendations should form the basis of a third option on the paper. Building on the idea of ‘best of both worlds’, offering a federal system will naturally compliment the ‘Better Together’ team’s narrative. The SNP should not be able to avoid including such a measure in their referendum, as in the words of their own white paper; “In developing the referendum, the Scottish Government will listen to society as a whole. The referendum will be conducted in the interests of the people who live in Scotland, not those of any individual or party.”³⁹ It has also announced that it is “ready to work with the UK Government to remove their doubts about the competence of the Scottish Parliament and put the referendum effectively beyond legal challenge by the UK Government or any other party.”⁴⁰ By putting a Federal UK down as the third option the Unionists can ensure that a bold, dynamic alternative to independence which addresses all of the nationalists’ grievances while preserving the Union is put forward.

RECOMMENDATION THIRTEEN: The Commission must report on what a federal UK will look like before the referendum on Scottish independence.

RECOMMENDATION FOURTEEN: The Commission’s findings must be broadcast as much as possible.

RECOMMENDATION FIFTEEN: The Commission’s findings should be included as the third option on the referendum.

The Better Together team is doing an outstanding job of attacking one of Alex Salmond’s key claims, and main assumptions; that the Unionists are unable to put forward a positive case for staying together. Proving him wrong will not only be positive for the Unionist cause, it will undermine Salmond’s claims and disrupt his own campaign plans. Unionism must be positive via its dynamism – and Federalism offers the Better Together team even more material. With a clear plan for the future not only does the Union bring benefits, but there are no reasons why its shortcomings have to be tolerated. If independence is rejected, the UK will be able to vote on a new type of Unionism which will expand on the positives of current Unionism and purge the problems.

At the start of 2012 Alex Salmond introduced the ‘Your Scotland, your referendum’ consultation in which people could put forward ideas about what the intricacies of the referendum. This could give

³⁸ <http://www.bbc.co.uk/news/uk-scotland-scotland-politics-17182913>

³⁹ Your Scotland Your Referendum p4

⁴⁰ Your Scotland Your Referendum p5

the impression that Alex Salmond is ‘listening’ to the people of Scotland, and that by implication, the Unionists aren’t. The Unionists should seek to emulate the Nationalists consultation. Rather than allowing the Nationalists to appear as the party of the people, and avoid the stigma of simply dictating to the people how they should live, the Unionists should make their consultation public in order to allow the people of Scotland, England, Wales and Northern Ireland to say what the future shape of the United Kingdom should look like.

RECOMMENDATION SIXTEEN: The Commission should be willing to receive ideas from the public.

A Scottish Campaign

The Scottish Unionist leadership is clear that this must be a Scottish campaign.⁴¹ This is not to say that intervention from south of the border will be unwelcome, however it must be on the advice of people on the ground in Scotland who understand when it would be most strategic and beneficial. The belief being articulated by the SNP that ‘every time David Cameron talks he increases support for independence’ is absurd; the Prime Minister received praise for his speech in Edinburgh, and the presence of the Prime Minister on the campaign trail shows genuine care for Scotland. Vice versa, absence shows a lack of interest. It is, however, for the Better Together team to ask politicians from south of the boarder to come up when they think it is strategic to do so. The Unionist parties should not run parallel campaigns.

There must be no compromising or second guessing of the campaign now that it has been launched. There was a great deal of criticism of No to AV for its money-themed campaign material during the AV referendum. In fact this material had been checked with research that had shown that it appealed to the electorate. The Unionist campaign should be left to their own devices, they are the ones at the forefront of this campaign and best placed to become experts in what material will appeal to Scottish audiences.

RECOMMENDATION SEVENTEEN: The “Better Together” campaign should not be second guessed by Number 10.

As well as allowing the campaign team to sit in the driving seat, it must also be fully supported. No to AV endured real financial difficulties in 2010 until the Prime Minister gave it his full backing. There should be, from the earliest possible opportunity, support from CCHQ, the Labour Party and any other financial organisation or fundraising clout that the Unionist Parties can offer the “No” campaign.

RECOMMENDATION EIGHTEEN: The “Better Together” campaign should be fully supported by the Unionist Parties.

⁴¹ Private conversations

This must be a cross-party campaign. Not least due to the limited support for the Conservative Party in Scotland (as the Prime Minister stated in Edinburgh in February 2012 the Conservative Party "isn't currently Scotland's most influential political movement"). Although Labour is the largest Unionist party by far it is important that this is a genuine cross-party team and not a Labour campaign. The abysmal performance of Scottish Labour in the 2011 Scottish election suggests that Scottish Labour may be just as 'contaminated' as the Scottish Conservatives. This means there will be Labour criticism of the Conservative Party and the Coalition. This will be a necessary rebuttal of the, almost inevitable, SNP's campaign against the "Tory cuts". This will be essential to getting Labour supporters out to vote for the Union. It shouldn't be opposed.

RECOMMENDATION NINETEEN: The Conservative Party should expect, and be willing to accept, criticism from its partners during the "NO" campaign.

A critical campaign

According to Alex Salmond;

"Independence is about making Scotland more successful. At its most basic, it is the ability to take our own decisions, in the same way as other countries. Scotland is a society and a nation. No one cares more about Scotland's success than the people who live here, and that, ultimately, is why independence is the best choice for our future."

The "Better Together" campaign must make sure that it puts forward a bold, dynamic and positive case for the Union, but must also make sure that it highlights the problems with the SNP's proposals and show while reform of the union will allow Scotland to take control of its own decisions, independence will not make Scotland more successful.

How it does this and when it does should be decided by the team who have the benefit of far more experience and polling research to help them mount an effective campaign. It may be advisable for the Unionist parties to discuss with the "Better Together" team tactics for pointing out flaws in the Nationalist's plans without tainting "Better Together" as a negative movement.

Some of the issues that need highlighting are the following;

- Scotland's share of the National Debt needs to be decided ,
- Scotland's share of North Sea oil hasn't yet been decided,
- Separating the UK's military into 'British' and 'Scottish' components will be complex,
- Removing the United Kingdom defenses on the Clyde will be expensive (as well as compromising Scotland's security),

- The SNP has had to declare that an independent Scotland would have just one airbase, only months after Salmond led a cross-party campaign to retain three RAF bases in Scotland,
- Independence tends to be messy. The ‘velvet’ divorce between the Czech Republic and Slovakia in 1993 involved 31 treaties and 2,000 separate agreements,
- There are problems with joining the European Union: Scotland may have to join the euro,
- If Scotland remained in pound sterling, its needs would not be taken into consideration when interest rates are set. By voting for independence Scotland is voting away political and economic control over its currency.
- Estimates by Taxpayer Scotland have estimated that an independent Scotland could start life with a debt pile of as much as £270bn

RECOMMENDATION TWENTY: Rather than condemn the idea of Scottish independence the Unionist Parties should agree with “Better Together” as to how they can expose holes in the SNP’s claims.

One should also question how far the SNP’s proposals really amount to independence,

‘independence will mean a strong, new relationship between Scotland and the rest of the UK. It will create a **partnership of equals** - a social union to replace the current political union. That means, on independence day, we’ll no longer have a Tory government, but the Queen will be our Head of State, the pound will be our currency and you will still be watching your favourite programmes on the BBC. As members of the EU there will continue to be open borders, shared rights, free trade and extensive cooperation.’⁴²

The way that Salmond describes it, independence will be the same as devo-max or a federal UK but without any of the military or economic protection which comes from the British Union. It is important not to be too critical however; there is no doubt that Scotland could survive as an independent nation; the point is that it could do so much better working with its partners. Showing how this will be realised while accommodating Scotland’s identity and its concerns will be the key to winning this campaign.

⁴² <http://www.snp.org/vision/better-scotland/independence>

5

Federal UK: Creating the Commission and clarifying its remit

Having investigated all the different areas that the Commission should look into, it is important that the more ethereal issues concerning the Commission's composition and the broader issues it has to consider are also detailed to make sure that it is as effective as possible.

The last decade has seen a succession of Commissions set up to look into ways of improving devolution in specific areas. These Commissions have each, inevitably, proposed new spates of devolution without considering the United Kingdom as a whole. The time has come for a Commission to consider the United Kingdom as a whole and what can be done to help ensure that all the problems that have emerged from a decade of unplanned devolution are resolved. This new Commission must be different. Unlike previous Commissions it must have two key differences,

1. It must consider the United Kingdom as a whole and not just one Home Nation
2. It should seek to not make devolution more efficient, but seek to offer a final settlement to the process of devolution as a whole.

Formation

The new Commission should seek to provide the final answer to devolution's question; "namely what is the final aim of devolution?" It should aim to clearly define, permanently, the role of Westminster and the regional Governments and their interaction with each other. As a result its recommendations should have the broadest possible acceptance, hence the reason it is recommended that it accommodate the ideas of 'devo-max', full fiscal autonomy and further devolution of domestic policy in return for clear definitions of responsibility and a new role for Westminster. In order to create this consensus its membership should include members of the regional nationalist parties, as well as leading legal figures and economists who can offer insight and solutions to the problems of poorly defined responsibilities and the implications of fiscal autonomy.

Autumn 2012 is the ideal time to launch the Commission. It will give the Commission two years to enact a comprehensive review of the existing Constitution and results of devolution, meet leading experts and review current programmes in depth as well as investigate alternative ideas. Its proposals can then be included in the Scottish independence referendum as the alternative to independence, giving the Scottish people the chance to vote for a bold new Union.

Devolution has led to an ever increasing pace towards independence as it has failed to have an ‘end game’ or an idea of what the United Kingdom is going to look like after all these innovations. Federalism, as the final step of devolution seems set to offer that ‘end game’, by clearly defining what the purpose of each layer of Government is. In order to provide this definition the Commission will have to have a broad mandate in order to provide the most comprehensive settlement possible. It should seek to incorporate not just the devolutionary framework that has been outlined above, but also should seek to resolve the broader problems of devolution; what is the role and purpose of the UK Government and the exact power-relationship between the two. Only when this is settled can the process of devolution be said, at last, to be over.

RECOMMENDATION TWENTY ONE: The Commission should include individuals who can answer questions about nationalism, fiscal problems and legal complexities. It should be launched in 2012 and seek to offer a final constitutional framework for the United Kingdom.

A Federal United Kingdom is now the best settlement that we can hope for. Adopting it gives a clear political mission to the Unionist Parties as well.

Roles

As the role of Westminster has been poorly defined, a clear purpose will have to be given to it in relation to the devolved administrations. The Commission needs to consider what role Westminster should have in relation to the devolved administrations outside of macro-economic policy, foreign policy and defence. In the United States model, for example, while crime, education, health and transportation have generally been considered state responsibilities, there are still corresponding Federal Departments. For example the Department of Education which doesn’t establish schools but ensures that certain standards are met throughout the United States with some role in creating a universal curriculum or general educational requirements.

As discussed above the Calman Commission has discussed the idea of making the Westminster Parliament and Government a guarantor of certain rights. This should be considered.

While defining the roles of Westminster and the regional governments, the Commission should aim to end all the complexities and competition that has come to define the devolutionary experience. In order to remove asymmetry it would be advisable for Wales to be given the same benefit as Scotland and simply forbidden from legislating on certain prohibited subjects rather than having to restrict itself to a small list of prescribed subjects. The current settlement creates legal problems for Wales to make sure that their measures fall under the remit of the Wales Act, a problem that doesn’t exist in the same way in Scotland.⁴³

⁴³ Private conversations with academics and politicians

The Commission should show that Federalism will allow Scotland and Wales to make its own decisions though still keep a role for Westminster. It should investigate successful relationships between federal Governments and State Governments around the world and see what models can be imported into the United Kingdom.

RECOMMENDATION TWENTY TWO: The Commission should seek to create constitutional symmetry, remove the causes of conflict between Westminster and devolved governments and give a new role to Westminster.

Sovereignty

As discussed earlier, federations work on the basis of the states being sovereign and passing limited sovereignty to the Federal Government. The Tenth Amendment of the United States for example states;

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”

Dicey argued that there are three components to a successful federal system;

1. The supremacy of the constitution
2. The distribution of authorities with limited powers of governance
3. The authority of the courts as interpreters of the constitution.

This challenges one of the central tenants of the British constitution, that the UK Parliament is sovereign. There are a large number of legal implications that have to be considered here. In a federal system the legislature ceases to be sovereign, but instead subordinate to the constitution and courts can declare federal legislation that is contrary to the constitution void. Parliament has also made itself subject to European law, allowing a precedent for exploring how sovereignty can be redefined.

To an extent, this is already true; while no court can challenge Parliament, according to the Sewel Convention Parliament cannot intervene in areas that are devolved and as far as administration division goes, as put by Professor Bogdanor “It is difficult to avoid the conclusion that Westminster is in practice no longer sovereign over the domestic affairs of Scotland and Wales”⁴⁴ According to Bogdanor we are already in a position where Parliament’s duty is to keep an eye on the Scottish Parliament.⁴⁵ Today the whole-British issues that the UK Parliament can legislate on are foreign affairs, defence and macro-economic policy.

The Commission will therefore need to consider whether empowering regional assemblies is compatible with ideas of the sovereignty of Parliament. An almost certain requirement from nationalists will be that regional assemblies will require protection from the UK Parliament, be it in the form of limits on its power or bodies to challenge it. While hopefully, the UK Parliament

⁴⁴ V. Bogdanor The New British Constitution p113

⁴⁵ V. Bogdanor The New British Constitution p113

strengthening the Sewel Convention by entrenching it in the standing orders of each House will be acceptable, it may well be the case that the only way that a federation can work is with a written Constitution, considered sovereign. The Calman Commission has already proposed that the Scottish Parliament and UK Parliament should confirm that each agrees to the elements of the common social rights that make up the social Union in order to undermine conflict - basic principles may need to be agreed.⁴⁶ It may be worth looking to whether the Supreme Court's remit can be expanded in order to allow it to strike down Parliamentary legislation that is seen to overflow into the devolved assemblies remit without their permission. The Commission should also look into whether the Scotland Office and Welsh Office should be abolished.

Simply ignoring the issue of sovereignty is no longer acceptable. Clearly defining the remit of the UK Parliament in the light of devolution is essential to ending nationalist fears and undermining the SNP's claims that Scotland can't realise her potential. Dealing with the question of sovereignty is no longer academic, it is essential to the Union's survival.

RECOMMENDATION TWENTY THREE: The Commission should be radical and be permitted in its remit to challenge the idea of Parliamentary sovereignty in order to create a stable Union.

Improving relations between the UK Parliament and the regional assemblies

In 2009 The Calman Commission issued a number of recommendations for improving relations between the UK Parliament and the Scottish Parliament;

- The UK Parliament should end its self-denying ordinance of not debating devolved matters as they affect Scotland, and the House of Commons should establish a regular "state of Scotland" debate.
- A standing joint liaison committee of the UK Parliament and Scottish Parliament should be established to oversee relations and to consider the establishment of subject-specific ad hoc joint committees.
- Committees of the UK and Scottish Parliaments should be able to work together and any barriers to this should be removed.
- UK and Scottish Government Ministers should commit to respond positively to requests to appear before committees of the others' Parliament.
- Shortly after the Queen's Speech the Secretary of State for Scotland (or appropriate UK Government Cabinet Minister), should be invited to appear before the Scottish Parliament to discuss the legislative programme and respond to questions in a subsequent debate. Similarly, after the Scottish Government's legislative programme is announced the First Minister should be invited to appear before the Scottish Affairs Committee to outline how Scottish Government legislation interacts with reserved matters.
- Where legislation interacts with both reserved and devolved matters there should be continued cooperation:

⁴⁶ Calman p64

- For any UK Parliament Bill which engages the Sewel Convention on a matter of substance, consideration should be given to including one or more Scottish MPs on the Public Bill Committee, who should then be invited, as appropriate, to meet the Scottish Parliament committee scrutinising the legislative consent memorandum.
- Either the Scottish Parliament or either House of the UK Parliament should be able, when it has considered an issue where its responsibilities interact with the other Parliament's, to pass a motion seeking a response from the UK or Scottish Government. The relevant Government in each case should then be expected to respond as it would to a committee of its own Parliament.
- There should be a greater degree of practical recognition between the Parliaments, acknowledging that it is a proper function of members of either Parliament to visit and attend meetings of relevance at the other; and their administrative arrangements should reflect this.
- A new legislative procedure should be established to allow the Scottish Parliament to seek the consent of the UK Parliament to legislate in reserved areas where there is an interaction with the exercise of devolved powers.

Source: The Calman Commission

Northern Ireland

This paper has mentioned Northern Ireland only in regards to the growing divide between its devolved Assembly and Westminster and not when discussing possible solutions. This is not because Northern Ireland is seen as a 'lesser member' of the Union, but because of the unique circumstances that face it.

Unlike the other Home Nations, the Blair Government treated devolution in Northern Ireland with huge attention, passionate commitment and with a clear goal in mind; to achieve peace. This priority trumps all other considerations. The violence that defined Northern Ireland during the troubles must never be allowed to repeat itself. Northern Ireland now has peace, and a clear devolved, democratic Government. It is not worth tinkering with unless essential.

The question of sovereignty has already been discussed in great detail. Unlike Wales and Scotland, Northern Ireland's sovereignty dispute lies with how much sovereignty belongs to the Republic of Ireland. The Good Friday Agreement represented not just a devolution but transfer of sovereignty to the Republic of Ireland. It recognises the right of the people of Northern Ireland to remain in the United Kingdom for as long as they wish to do so, and recognises the desire of the minority nationalist population to leave. The Republic of Ireland has access to policy formation in Northern Ireland under the terms of the Belfast Agreement. There is a North South Agreement linking Northern Ireland with the Republic via a North-South ministerial council which gives the Irish Government access to devolved matters in Northern Ireland, while an East-West agreement links the governments of Britain and Ireland in a consultative British-Irish council. Via the British-Irish Intergovernmental Conference the two governments can discuss Northern Ireland.

The Northern Ireland Assembly is a unique body; like the Scottish Parliament it has full legislative powers but requires the Northern Ireland executive to include representatives of both the Nationalist and Unionist communities. The First and Deputy Minister must be chosen by the Assembly on the basis of cross-community support with the majority of members present and voting. The First Minister and Deputy First Minister hold office as a diarchy, if one loses office the other loses office as well.

While the UK Government and Unionist Parties should not be afraid to state its support for Northern Ireland's maintained membership of the Union, it must also recognise that the Northern Irish people have the right to decide whether or not to remain British. Should Northern Ireland wish to amend its institutions to fit a new Federal model that should be welcomed, but in light of the unique circumstances and delicate peace, Northern Ireland should ask rather than be offered to develop its unique relationship with the rest of the United Kingdom. The priority for Westminster is to ensure that the people of Northern Ireland remain safe and that the devolved body and administration remains efficient and democratic.

6

Preemptive Action: Addressing the problems of Federalism

There have been two main criticisms of the idea of a federal United Kingdom. This chapter aims to disprove these criticisms.

In 1973 the Kilbrandon Commission argued “A federation consisting of four units - England, Scotland, Wales and Northern Ireland - would be so unbalanced as to be unworkable. It would be dominated by the overwhelming political importance and wealth of England. The English Parliament would rival the United Kingdom federal Parliament; and in the federal parliament itself the representation of England could hardly be scaled down in such a way to as enable it to be outvoted by Scotland, Wales and Northern Ireland”⁴⁷

The dominance of England

The dominance of English MPs in the House of Commons is a problem; they easily outnumber all the other Home Nation’s MPs giving rise to the criticism that the UK Parliament is subservient to the wishes of the English. According to Tony Blair the main reason why he supported devolution was due to the dominance of English MPs in the House of Commons.⁴⁸ Any federal UK Parliament would have the same problem, leading to accusations that it is simply another English Parliament.

There are however, issues with this claim. The first is that English MPs will be voting on issues that affect their constituents and the United Kingdom as a whole. There will be few, if any, issues that will have a specifically ‘English’ dimension, and none in which such a English dimension will be intrinsically opposed to the interests of the other Home Nations, especially as these issues will be devolved, either in the form of ‘English votes for English laws’ or to an English Parliament. There will be no reason why Scottish or Welsh MPs would be placed in battle against English MPs on account of their nationality.

Also, this should no longer be as large an issue as domestic affairs will be devolved entirely to the Home Nations. There will no longer be any reason to fear the domestic power of English MPs. As far as shared macro-economic and foreign policy is concerned, it will have to be accepted by the other Home Nations that choosing to be in a Union with England, where England has 85% of the population, means that, by simple mathematics, there will be more MPs from England. However the

⁴⁷ Royal Commission on the Constitution, HMSO, 1973

⁴⁸ T. Blair A Journey

Commission should consider whether there are ways of strengthening the Home Nation's voice in the UK Parliament and Government.

RECOMMENDATION TWENTY FOUR: The Commission should consider reforms of the UK Parliament so as to strengthen the voice of Scotland, Wales and Northern Ireland.

Problems with an English parliament

An English Parliament, when proposed before has been unpopular. It has been criticised as expensive, a whole new layer of bureaucracy and expensive new institutions. However, cost is not a good argument for suppressing democracy. 'English votes for English laws' will allow English MPs to compose an effective English Parliament in Westminster for a short time. However, considering the recent growth in support for an English Parliament it is likely that support will continue to grow as Scotland and Wales receive further devolution.

Instead of committing themselves to an English parliament, the Unionist Parties should simply commit itself to ensuring that English issues are heard and debated. In the immediate future this will be achieved by English votes for English laws, however there should be provision - such as via a suitably seized petition - which allows the English people to demand a Parliament. Should enough people demand it and are willing to accept the cost of creating it then the Conservative Party should commit to creating an English Parliament, but only when the English say that they want it.

The accusation that the English Parliament will rival the UK Parliament is also void, as it fails to take into consideration the clear definition of powers and roles that the Commission will undertake. So long as the English Parliament (and the Scottish and Welsh assemblies as well) remain in their purview and the UK Parliament remains in its there is no reason why these bodies can't function well together and ensure that the UK Parliament is an effective head of a united federation, offering guidance on domestic policy, ensuring that the highest standards are maintained and representing all the people of the United Kingdom across the world.

Conclusion

The need for a federal ideal

"Even though it may be a great historical construct, the United Kingdom is actually even more of an inspiring model for the future."

Prime Minister David Cameron

This paper is not intended to put forward a detailed image of what a federal United Kingdom will look like. That unique settlement will have to be created in discussion with the regional assemblies, Westminster and the Civil Service. To attempt to prescribe a clear model without a clear consultation fails to grasp the central problem that has led the United Kingdom to the edge of its own destruction; a willingness to change without considering the broader picture or the detailed issues that underpin our constitution. Devolution envelops every policy issue that there is; it cannot be solved by one man in one report.

Devolution is rapidly approaching its ultimate conclusion; independence or devo-max, however it is the nationalists who are in the driving seat, their demands for power and will simply lead to more confusion and will not deal with the internal problems within the British constitution that have led to this problem, the poorly defined remit of the regional assemblies, the inability to accommodate regional nationalism, outdated funding structures, unfair and unsymmetrical governing styles and an inability to define the role or sovereignty of the UK Parliament.

Only by creating a new relationship between the UK Parliament and the regional assemblies, one that addresses the concerns that have led to demands for independence, which give the regional assemblies the powers they want, but which also gets their blessing for a superior role in supervising the conduct of these assemblies does Westminster have a hope of remaining relevant in the 21st Century.

By adopting a federal Structure the UK Parliament and Government can have significance and control over the whole of the United Kingdom. Nationalist desires will be met and an efficient, streamlined, symmetrical system of Government can be introduced without any further devolution.

The Unionist Parties have a rare opportunity, to become the party of each Home Nation, champions of local patriotisms and also, very clearly, the party of Britain, the party which ended great perceived injustices and saved the Union, keeping Britain stronger and richer.

The time for a Commission has never been more opportune as we have a chance to offer the Scottish people an attractive alternative to the SNP's proposals, one that deals with all their grievances but has none of the drawbacks of independence. Now is the opportunity to begin the work to save the Union. Now is the moment to seize.