Introduction

The No verdict in the referendum on Scottish independence was immediately followed on 19 September 2014 by a speech by the UK Prime Minister, David Cameron, in which he pledged to revisit devolution across the whole of the UK. This included honouring the promise to deliver further devolution for Scotland which had been made to present a No vote in the Independence referendum as still a vote for change but crucially inside the Union; but it also included the need to address devolution demands in the rest of the UK. Although Mr Cameron’s emphasis was on England, his speech raised new opportunities for Wales and Northern Ireland as well. This paper is therefore concerned with assessing the dynamics that have been released in the devolution debates around the rest of the UK following the Scottish referendum, and the constitutional developments that have followed. Some observers may have hoped that the Prime Minister’s speech may have presaged an attempt at an overarching settlement for the UK as a whole. In practice debates which were already ongoing before the Scottish referendum have developed separately and one is left to discern whether there is any
overall organising framework that makes all the distinct territorial developments collectively make sense. The paper considers Wales, Northern Ireland, and England in turn.

**Wales**

In considering post-Scottish referendum politics in Wales, it is worth remembering that devolution in Wales in the past has been distinctive for its rather less emphatic grass roots support than in Scotland as well as the gradual process of its development. The creation of the National Assembly in 1999 came as a result of a 50.3% Yes vote in a referendum in 1997 on a 50.1% turn-out. The second referendum in 2011 to turn the Assembly into a legislature with primary law making powers received a more impressive 65% Yes vote, but on a rather less impressive 35% turn out. The movement for devolution instead has been substantially elite-led and has gained much from the successful creation of an elite consensus in favour of the incremental development of devolution between 1999 and 2011. All the parties with elected representatives in the Assembly were signed up to this, including the Conservatives who had initially opposed devolution in 1997. In response, both UK Labour and Conservative-Liberal Democrat governments ultimately accepted Welsh cases for devolution up to 2011. The elite consensus included an inter-governmental consensus over devolution and following the 2011 referendum Wales had managed to achieve primary legislative powers, albeit on a conferred basis, and executive powers, but not fiscal powers. The process of devolution in Wales had been a relatively successful one for pro-devolution campaigners seen specifically in a Welsh context but the National Assembly for Wales was still a somewhat weaker body than the Scottish Parliament (Bradbury, 2008).

Following the 2011 elections in Wales there was then a further opportunity to deepen the powers of the Assembly. The UK Government established the Silk Commission to consider further devolution for Wales, including the mandate to investigate whether the Assembly’s
legislative powers should be accompanied by fiscal powers, as well as to consider whether the scope of legislative powers should be widened. The ground had already been prepared for fiscal devolution to follow legislative devolution in the reports of the Holtham Commission, which had been established by the Welsh Government back in 2007. The Holtham Reports made the case for fiscal devolution to include power over income tax and some specific taxes, but that this should also be accompanied by the reform of the formula by which central block grant was distributed. Under the English expenditure-related Barnett formula it was calculated that Wales lost around £300 million a year against the expected grant income if a needs based formula was used. The Holtham reports duly advocated a need based formula as well as the development of borrowing powers. There had also been a range of proposals canvassed on where the legislative powers of the Assembly might be expanded, as well as discussion of whether Wales ought to move to the same reserved powers model as Scotland.

The Silk Commission’s recommendations gave considerable encouragement to pro-devolutionists. It’s first report in 2012 made proposals for an income tax varying power by up to 10p in the £, the devolution of a stamp duty land tax and landfill tax, as well as increased borrowing rights; and commented that these reforms should be accompanied by a reconsideration of the block grant formula. The Silk Commission’s second report in 2013 then met a lot of the ambitions of legislative reformers by proposing that the principle of legislative devolution for Wales be changed from a conferred powers to a reserved powers approach (to be equivalent to Scotland) and that the Assembly receive additional powers in the areas of transport, energy and policing. The publication of the Silk Reports in themselves produced an opportunity for the pro-devolution elite in Wales to take devolution forwards.

However, the reception given to the Silk Reports was complex largely as a result of differences between which parties formed the governments in Wales and the UK. At the
centre the Liberal Democrats as part of the coalition government were in favour of the full implementation of the Silk Reports. The Conservatives meanwhile seemed most keen about the partial devolution of the income tax power as it would make the Assembly a more fiscally accountable body. Welsh Labour was generally in favour of the implementation of the Silk Reports but did not support the devolution of income tax without the reform of the formula by which the block grant would be distributed. They were concerned that with partial income tax devolution Wales would receive less central funding, leaving the funding for Welsh public services more reliant on the fiscal capacity of Wales and less of a beneficiary of central funding. In the context of a relatively weak Welsh economy such vulnerability could only be embraced if a more redistributive basis was put into the central funding that Wales would still receive. Plaid Cymru as might be expected welcomed the Silk Reports but wished reform to go much further. In Wales public opinion polls suggested support for further devolution though it was questionable how salient the issue of constitutional powers was to voters, and many observers were doubtful whether a referendum on income tax powers would receive a yes vote.

In December 2013 the Coalition Government published a draft Wales bill, focused on taking forward fiscal devolution from the first Silk Report. During 2014 constitutional debate in Wales was focused on the debate of this bill with dispute focused on the so called lock step mechanism that was included in the income tax proposals. This suggested that if the Assembly decided to change the level of income tax at any tax rate then it would be changed by the same amount at all rates. Labour opposed this as for example it would block their likely intention to increase taxation at the higher rates of income tax without increasing lower rates. In some ways this situation still suggested the further development of devolution, albeit led more by influence of the Liberal Democrats at the centre than Labour’s leadership from Wales. But Wales’ weaknesses in determining its own destiny were reflected in an
apparently indifferent public, and the obvious spectacle of the anxiety of Welsh party leaders at this being done on the UK Government’s terms. At the same time throughout 2014 in the run up to the Scottish referendum little came out of central government on the prospects for implementing the second Silk Report on legislative powers.

In this context if the No campaign in the Scottish referendum had been dominant and the UK Government confident then it is possible that this may have served to compound this situation in Wales. However, this was not the case, a situation which presented some opportunities for the Welsh Government. Carwyn Jones, the Labour First Minister for Wales, decided to participate actively in the Scottish Referendum debate by visiting Scotland and making speeches that supported the No campaign. Specifically, he opposed the notion of a currency union in the event of an independent Scotland and stated that he would block Scottish participation in managing the pound. He cited the strong and urgent action taken by the UK Government in response to the financial crisis in 2007 which inter alia had been beneficial for Wales that would not have been possible if decisions were reliant on a confederal agreement with Scotland as a separate state. More broadly he articulated the One Nation Labour ideas of the UK as a social union in which risks and resources could be shared for progressive aims, which would be diminished by Scottish independence. In the same breath he articulated the positive case for devolution as a means for resolving national interests within the Union and the necessity as he saw it of holding a constitutional convention following a no vote in the referendum to build a sustainable overarching territorial constitutional framework for the UK (Jones, 2013).

Jones may have had his own more complex reasons for doing so, but it is clear that his participation on the side of the No campaign would be seen favourably by the parties in central government and that it could have the effect of building up the political resources of the Welsh pro-devolution elite in their own debates with the centre over devolution in Wales.
with two objectives in mind for Wales: first, to have the proposals of the Silk Commission honoured and so progress both fiscal devolution, including block grant formula reform, and legislative devolution more on Welsh terms; and secondly, to press for a UK-wide constitutional convention in which the relationships between Welsh devolution and the UK would be dealt with alongside resettling the constitution of the UK as a whole. Like his support for the no campaign in Scotland, this could be understood as a pro-unionist position, encouraging the UK Centre to sit down with everyone to settle the arrangements for the UK as whole. At the same time though his engagement with the Scottish independence debate and his desire for a constitutional convention could be interpreted as part of trying to increase the bargaining resources of Wales in trying to engineer and protect devolution. Specifically, as long as progressing Welsh devolution relied simply on the mobilisation of Welsh resources and cases for further powers and the making of bilateral agreements with the centre then the Welsh pro-devolution elite was in a vulnerable position. If they could press for there to be a UK-wide top table at which they had a seat, ie bargain in the context of quasi shared rule arrangements, then they would be in a better position to defend and progress.

During 2014 the parties in Wales had some success in influencing the Draft Wales Bill. This was helped by the fact that the Welsh Conservative Leader, Andrew R.T.Davies, also came out and opposed the lock step mechanism in the proposals for the partial devolution of income tax. In the Autumn amidst the aftermath of the Scottish referendum the Conservatives announced that they would drop the lock step mechanism and when the 2014 Wales Act was finally passed it appeared that the UK Government had compromised with the Welsh parties over the nature of fiscal devolution. Equally, in the period during which the Smith Report for Scotland was published and then the draft bill for Scotland announced in January 2015, the parties at the centre also discussed what a new settlement for Wales might be. The new Conservative secretary of state for Wales, Stephen Crabb, was seen as much
more pragmatic than his predecessor, David Jones, who following referrals of proposed Welsh legislation to the Supreme Court for acting beyond their constitutional powers, had been seen as anti-devolution. Crabb promised that he would publish further proposals for devolution, related broadly to the second Silk Report, by St David’s Day 2015. Carwyn Jones led the Welsh party leaders in the National Assembly in trying to press home the case made for the previous 12 months and seek some reward from his efforts even though he was dealing with a government of a different party hue. As part of this there were strong calls for devolution of powers to actually go beyond Silk 2 and be on the same terms as for Scotland.

Finally, on 27 February David Cameron and Nick Clegg, gave a joint announcement at the Millennium Stadium in Cardiff to the effect that some further legislative powers would be transferred – energy, transport, control over elections – and that the power to vary income tax would be deferred dependent on a referendum. To bolster the incentives for receiving income tax powers the UK coalition promised that there would be a funding floor to the block grant provided from the UK level. This picked up a suggestion from Gerry Holtham in his evidence to the Welsh Affairs Committee on the 2013 Draft Wales Bill, that if the UK centre for reasons of not disturbing the settlement with Scotland wished to maintain the Barnett formula, then the pragmatic way of avoiding the disadvantage to Wales under the Barnett formula relative to if a needs based formula was used, was to put in extra money to Wales via a minimum funding floor to the block settlement for each year. Of course what was not in the proposals was just as important as what was: specifically, the devolution of legislative powers did not journey into the social union in the same way that the Smith Report had for Scotland. It also left out devolution of policing or criminal justice. It outlined how Wales may move towards a reserved powers model as opposed to a conferred powers model, but this did not appear to be an immediate priority. Overall, although the proposals did not frame the approach to devolution on anything like the same basis as for Scotland across legislative
or fiscal powers, the Coalition government still suggested the proposals were very clear steps forward on further legislative powers and provided a guarantee over central funding that took away the case for any Welsh Labour opposition to holding a referendum on income tax devolution.

The centre introduced the proposals with some justification as significant in that they progressed legislative powers and introduced fiscal powers for the Assembly. However, Welsh Labour and Labour’s shadow secretary of state, Owen Smith, criticised the legislative proposals as weak and the fiscal proposals as still a trap for impoverishing Wales that they were not going to fall into. They complained that there were no detailed figures, timetable or guarantee of a reasonable approach to fair funding. Plaid Cymru criticised the proposals as third rate devolution, highlighting the lack of parity with Scotland. Yet, in managing the presentation of the proposals the coalition parties had leverage in presenting them as in tune with where Wales was. First, they portrayed themselves as champions of devolution in introducing income tax devolution; within a Conservative rhetoric this was presented as providing for a proper modern grown up responsible assembly which not only spent money but raised it in the first place; and a Liberal Democratic rhetoric of this as a historic dawn of true devolution which they had delivered in government. Labour opposition to having a referendum on income tax devolution could be portrayed as protecting a backward supplicant political vision of a devolved Wales. Secondly, they tapped into the criticism of how Labour government in Wales had worked with the powers they already had both on health and education. Crabb at the Wales Conservative Party conference said it simply wasn’t good enough for Labour to demand education powers for Wales and then years on admit that they took their eye off the ball on education. The centre’s artillery fire on Labour performance on health and education in Wales in the 12 months preceding the 2015 St David’s Day proposals set the background for the more modest proposals they presented being more likely to be seen
as reasonable. Labour performance in Wales had not made a cogent enough case for demands for further devolution in the social union to be met or considered essential by the Welsh public.

Allied to this in the aftermath of the government announcement on the proposals, Conservative Party intentions over legislative devolution in Wales became a source of discussion. Liberal Democrat spokespersons emphasised that it was in the central departments where there were Liberal Democrat cabinet ministers where the devolution of further powers had been mainly agreed. Equally, it was questioned whether a future Conservative Government might actually take the opportunity of moving from a conferred powers model to a reserved powers model to take powers back from the Assembly. At the same time, Andrew R.T.Davies, Conservative leader in Wales, and Conservative and Liberal Democrat spokespersons at the centre, suggested that Owen Smith in the discussion in central government had been part of the forces suggesting the limiting of powers. This hinted at splits between the British and Welsh levels of the party that were perhaps not surprising given the gradual turn among many Welsh Labour MPs from strong support for devolution in 1999 to scepticism about further devolution thereafter. It also was far from clear what a Labour Government if elected in the 2015 election would commit to on devolution for Wales. While Ed Miliband’s speech to the Wales Labour conference in February 2015 committed Labour to further devolution of powers, the reference to policing focused on drawing up a Wales-wide plan for policing in conjunction with the Home Secretary. It was non-specific about other powers. Labour was not committed to reforming the Barnett formula and following Labour in Wales was sceptical about income tax reform. Miliband also did not commit Labour to a UK-wide constitutional convention, which might include the Welsh Government in discussions about a revised approach to reform across the whole UK including Wales.
By March 2015 it was clear that Carwyn Jones’ earnings from his game of political poker in the previous 12 months had been somewhat meagre. Proposals for further legislative powers had finally come but they actually fell short of what Silk 2 had advocated, much less based on an idea of parity with Scotland. In March 2015 Carwyn Jones dug in, critical of the limited content to the proposals for further legislative powers and still sceptical about holding a referendum on income tax. But there were considerable limitations on the resources backing him in Wales, a fact acknowledged by the Institute of Welsh Affairs in their assessment of the public indifference to the issue and the need for urgent galvanising of public opinion. He was faced with a reasserted clarity in the positions of the UK Coalition Government partners in bringing forward proposals for Wales on their own terms. Going in to the 2015 General Election the Conservative vote in Wales appeared to be holding in the low-mid 20% area and given the rise in the Welsh polls of UKIP it appeared unlikely that Labour would gain any more than two seats in Wales to give the party any greater authority in arguing their corner with a future Conservative government. There was also some vagueness about whether a Labour Government might hold out any genuine prospect for dealing with Wales more generously.

Hence, in the aftermath of the Scottish referendum the politics of devolution settlement for Wales have many echoes of how devolution has progressed previously in Wales. The result equally follows in the gradual course behind the curve of Scotland that we have seen since 1999. At a more elevated level of debate we could emphasise how the Scottish independence referendum debate inspired in Wales desires to relate the course of Welsh devolution explicitly to a UK-wide settlement. Carwyn Jones does not use the F word, but in practice he has articulated a nascent Welsh progressive federalism, rooted in a practical recognition of the Welsh electorate’s dismissal of the option of Welsh independence, which went down to a historic 3% support level in one opinion poll during 2014; and an equally practical prognosis
that Welsh interests are likely to be best served by promoting UK-wide federal-like structures in which these can be developed as part of multi-lateral developments that benefit all the nations and regions. On a different basis David Melding, the Conservative Deputy Presiding Officer of the National Assembly, has argued for a Conservative vision of parliamentary federalism, which stresses the gains of fiscal federalism for developing small state political economy which results in dynamic regional economies and efficient public services (Melding, 2013). However, it does not appear that either the British Conservative or British Labour parties have been idealistically influenced by these ideas; for now both parties at the UK level appear to wish to deal with the Welsh debate still on a bilateral basis in ways that satisficingly meet territorial aspirations, sustain the positions of the parties and conserve the broad parameters of central power.

**Northern Ireland**

In considering post-Scottish referendum politics in Northern Ireland it is important to note of course that the context to debates about devolution in this case is very different. Politics remains structured by the open division between nationalism and unionism reflected explicitly in a unionist-nationalist defined party system as well as the very institutions of devolution. These result in a form of power sharing devolution, in which the procedures and rules of the Northern Ireland Assembly and government formation seek to balance the interests of unionism and nationalism; and the North-South bodies which reflect long-term nationalist aspirations for a united Ireland are balanced against the East-West institutions like the British Irish Council and more broadly continued membership of the UK which reflect long-term unionist aspirations. At the same time following the 1985 Anglo-Irish Agreement there is an accepted role for the Irish Government as well as the UK Government to broker agreements over the future of Northern Ireland. It is a consociational power sharing devolved democracy with elements of Irish confederalism (Wilford, 2001).
In that representative politics and devolved government can occur in this context it involves representation and government in a situation that whilst not amenable to either party is accepted while each fights hard for political ascendancy to win the long term battle of hearts and minds for a united Ireland on one side and continued union with the rest of the UK on the other. Thus, Northern Irish devolution has developed on the basis of the politics of a stable instability. The unlikely nature of this form of devolved politics is underlined by the fact that since 2007 the leading parties at the heart of power sharing government have been the Democratic Unionist Party and Sinn Fein, the more hard line unionist and nationalist parties respectively. Peter Robinson has been the DUP First Minister and Martin McGuinness the SF Deputy First Minister, in many ways the two key organising minds of unionism and nationalism locked together at the heart of power-sharing governance: each committed to making it work for the sake of peace and good government; each determined to gain ascendancy in achieving the support of the electorate and their respective long-term goals.

Since 2007 those struggles for ascendancy have been fought out over three broad issues: first the maintenance, extent and nature of devolution; second, the lived experience of members of protestant/unionist and catholic/nationalist communities in Northern Ireland; and thirdly, the political economy to be pursued under devolved government.

The first of these struggles is broadly considered to have been resolved, for the time being at least, during the 2000s. The St Andrews Agreement in 2006 paved the way for the restoration of power sharing devolution in 2007. Police and justice devolution in particular was a key issue for Sinn Fein in agreeing to join in power sharing devolution in the first place and faced with DUP opposition in May 2008 Sinn Fein stalled on giving their support to Robinson’s candidacy. It took UK and Irish Government intervention to broker an agreement over a timetable for devolution to break the impasse. When it finally occurred Sinn Fein claimed a victory in that they had forced devolution of such symbolically key powers from
UK Government. Nevertheless, the DUP highlighted the fact that they had demanded and received Sinn Fein support for the police and rule of law. In the implementation of the powers the struggle for the upper hand has continued, but since the late 2000s issues of further devolution have not been at the forefront of political debate. In the run up to the Scottish independence referendum the only prominent issue was pressure for the devolution of power over corporation tax. However, this was actually something the DUP and Sinn Fein could broadly agree on, as there was a consensus that the starkly lower rate of corporation tax in the Republic of Ireland than the UK rate levied on companies in Northern Ireland made the Northern Irish economy uncompetitive.

The second issue - that of concerns over the lived experience of people in Northern Ireland under devolution - has become, if anything, more significant. This arises from the fact that within protestant urban working class populations there are strong views that their side has in fact lost: that while the unionist political elite could comfort itself that the Irish Republic had renounced its territorial claim on the North and nothing could happen without the consent of the people of Northern Ireland; the lived experience of devolved governance has been that far too many concessions have been made to nationalist views that stick in the craw of protestant opinion. Meanwhile, catholic nationalist communities can still point to severe problems of poverty and republicans remain concerned that the political road to a united Ireland has turned into a cul de sac. Dissident militant republicanism have refused to go away, unconvinced that the Sinn Fein strategy of achieving a united Ireland through political legitimation of Republicanism both sides of the border will ever work. If anything these years of a seeming peace in power sharing devolution have masked the hardening of sectarian division within Northern Ireland, the re-incubation of an alienated protestant working class, and the persistence of violent militant republicanism on the fringe. In this context not only is
peace and power sharing devolution as a whole fragile but the success on which each bloc seeks to construct its leadership is still open to potential challenge.

The 2007-11 term saw no concerted efforts by the DUP-Sinn Fein led Executive to reduce the divided nature of the society which they governed. Indeed, the programme for government was notable for its lack of commitment to strategies pursued by the previous direct rule Northern Ireland Office administration in A Shared Future to reduce sectarianism. Rather 2007 saw the announcement of a new peace wall in North Belfast, throwing up more divisions between communities rather than less. In many urban areas of Northern Ireland the presence of former paramilitaries, unemployment and social deprivation combine to mean that sectarian violence, criminality and persecution are still widespread. In this context it is perhaps unsurprising that dealing with the past and emblems of community assertion should remain major issues in Northern Irish society. In this respect it is important to note that Northern Ireland has seen nothing like the Truth and Reconciliation commission that helped to heal divisions in post-Apartheid South Africa.

In the period since the 2011 elections such community divisions have fostered intense disputes over marches and parades. Since the banning of an Orange Order parade along Belfast’s Crumlin Road in July 2013 which led to rioting, there has been a street camp to mark the Orange Order’s protest. There has been dispute over the flying of flags over council buildings and the contested desire of Sinn Fein to have an Irish language Act to give parity to the use of Gaelic and English in Northern Ireland. The issue of how to deal with unsolved murders from the years of the Troubles and the treatment of victims and their families have all become major issues for Northern Irish society as members of both communities feel personal injustices have been forgotten or ignored in the rush to pull a cloak over the past. There is particular resentment in protestant and indeed moderate catholic communities over what they see as the lack of a calling to account of the provisional IRA for deaths during the
troubles. This was brought into sharp focus when it became apparent that as part of the discussions that led to the Belfast Agreement in 1998 the UK Government appears to have agreed that on the run terrorist suspects would not be arrested and prosecuted. These are key aspects of a broader dispute over whether all sides should be seen as victims of the Troubles or whether any one side should take more responsibility. Such issues were at the forefront of Northern Ireland politics during 2014 and remained to be resolved.

The third area where there was a struggle for ascendancy was over the politics of the power sharing government’s programme. The DUP and Sinn Fein have competing visions of political economy: the DUP wishing to encourage a strong business friendly environment conducive for economic growth; Sinn Fein wishing to focus on achieving equality. Since 2007 there have been key differences, for example, in education policy between the two parties after the 11+ examination was abolished: the DUP favouring selection and Sinn Fein favouring non-selection. Since the 2007 financial crisis and cuts in UK public spending, the pressures on the Northern Ireland Executive have only intensified. Broadly, following the programme instigated by the UK Government from 2010, this boiled down to a readiness by the DUP to go along with austerity measures which would reduce budgets for public services, and Sinn Fein resistance to pass budgets that included cuts in social welfare. In 2014 this came to a head as disagreement between the parties over proposed welfare reforms meant that they were not able to pass a budget. Peter Robinson threatened to collapse the Government if Sinn Fein did not give way, and a stand-off followed.

Consequently, at the time of the Scottish independence referendum debate in 2014 devolution in Northern Ireland was actually facing its biggest challenges since it had been restored in 2007. Both unionists and nationalists saw opportunities in the referendum for their long-term argument over the future of Northern Ireland: unionists believing they might actually lead the case for the Union in Scotland and thereby add support to their own position. Nationalists as
might be expected believed that a Yes vote could only help their own cause. However, the No campaign in Scotland wished to keep Northern Irish Unionists out of the campaign. Equally, the SNP did not wish to associate with political nationalism in Northern Ireland and in practice the fact that the Yes campaign argued for an independence which still maintained strong relationships with the UK meant that there were significant differences with the aspirations of Irish nationalists. Unionists celebrated the No vote in Scotland but as a consequence of the relative exclusion of Northern Irish concerns from the Scottish debate the result in Scotland ultimately had few practical knock on consequences for the debate in Northern Ireland other than the momentum that came from the No vote for the UK Government to resolve devolution debates in each part of the UK including Northern Ireland.

In Northern Ireland this led to renewed talks in late 2014 brokered by the UK and Irish Governments and involving the DUP and Sinn Fein as well as the Ulster Unionist Party, the SDLP and the Alliance Party, which addressed again both the issues of the past, parades and flags and the budgetary position of the Executive. The key intervention was made by the UK government in providing £2 billion further funding for the Assembly as the basis of an agreement between the parties that the budget would be agreed with Sinn Fein accepting welfare reforms and that cuts in certain budgets would have to be made over the next decade. In turn Sinn Fein emphasised that the new money would be used to integrate schools and erode sectarian divisions within education. In this context, the parties were also able to agree to the creation of a special commission to look at issues such as parades and the flying of flags on a local basis. The additional funding would also support a new institution to investigate the legacies of the troubles and unsolved killings. The Stormont House Agreement, as it came to be known, was signed by all the parties in December 2014, enables the budget to be passed and provides new structures for dealing with some of the issues that still divide Northern Irish society (Northern Ireland Office, 2014). Following this agreement
the UK Government then also agreed to the devolution of corporation tax. Currently, the Irish rate is 12.5% while the UK rate is 21%, with a reduction to 20% planned for April 2015. This has mixed blessings for the Northern Ireland Executive. On the one hand, the parties are agreed on the need to cut corporation tax and that it could have far reaching beneficial consequences for the economy. On the other hand, the block grant will be reduced and it is expected that the shortfall for Northern Irish finances of then cutting corporation tax are likely to be around £200-300 million.

Responses to this settlement for Northern Ireland have been mixed. While the UK Government’s intervention has facilitated the resumption of reasonably stable governance in Northern Ireland, the need to massage away the divisions between the parties with more money merely serves to show how little the political divisions have been eroded and how indeed the structures of consociational democracy reinforce them. Few are happy with the new structures to deal with Northern Ireland’s past or present community divisions. There is a framework for trying to deal with them but there are question marks over what they will achieve and to cynical observers they merely postpone the resolution of a lot of difficult issues. Equally, the devolution of corporation tax appears an adhoc decision, which may be used as a precedent for arguments for its devolution in other parts of the UK.

In Northern Ireland, in contrast to Wales, there are few signs of idealistic cases (which of course may still also serve specific territorial interests) upon which the devolution settlement may be linked to debates about an overall design for devolution across the UK. Here perhaps more than anywhere the context of political violence has necessitated that specific problems demand specific solutions. Over the period since 2007 the central fact for many observers remains that power sharing devolution has endured. During this period neither bloc has
achieved a knock out political blow in favour of their long-term vision. Most observers have considered that in the main the DUP ministers set the predominant tone for the government. Resistant to progressive community strategies they have ensured that the administration as a whole has emphasised business friendly low tax policies rather than public spending programmes. Northern Ireland in this period has wished to signal to those outside its territory as well as its own citizens that they are open for business and tourism. But while still sustaining the dominance of their respective political blocs, the fortunes of both the DUP and SF have ebbed and flowed. The 2014 Stormont House Agreement can equally be used by both sides to support their positions. In this context the UK Government appears ultimately simply content to do whatever is required to maintain a politics of stable instability, as long as Northern Ireland remains generally quarantined from the broader concerns of UK politics at the centre.

**England**

In England debate has swirled around the much mooted English question. In considering this issue it is important to recognise that there are in fact three English questions: first, what form of government is most instrumentally beneficial for England?; second, how can fair representation for England in the UK Parliament in the context of devolution be assured?; and third, if the other nations of the UK are to represented by devolved assemblies and parliaments how is England best represented as a national community? At the advent of devolution the then Labour Government sought to prioritise the first question, offering an infrastructure of English regional governance, including regional development agencies, as a guarantee that in the context of devolution the different parts of England would receive structures of governance that focused attention on their economic and social needs. The second question is most often presented in the form of the West Lothian question – How can it be right that an MP sitting for a Scottish constituency can vote in the House of Commons
on a matter that only affects England, when that very same matter in Scotland is devolved to the Scottish parliament and cannot be voted on by an MP sitting for an English constituency? Labour’s answer to this was not to ask the question in the first place, pursuing what might be seen as a satisficing approach by at least reducing the number of Scottish MPs from 72 to 59 to remove over-representation in 2005. Few asked the third question in the early 2000s and Labour was certainly not going to bring it up.

Following the advent of the Conservative-Liberal Democrat Government in 2010 the debate of these questions has moved on significantly. The Government took the view that English regional governance was bloated and duly dismantled it as part of the programme of public spending cuts. A greater focus was placed on local government and structures at the local level to deliver support for infrastructure and economic growth. As the Government’s term has gone on a regional focus has been reasserted. This is still not to be built on new regional structures; instead it involves the encouragement of more dynamic local government models, based on power being concentrated in locally elected mayors, as well as regional collaborations of local authorities. Nevertheless, a new regionalist vision is highlighted by the Government’s ambition to build a Northern powerhouse, linking up the transport infrastructure of the North’s great cities, and it involves significant devolution of spending budgets. Labour if elected in 2015 would re-embrace regional structures and highlight their intention to devolve £30 billion of public spending in England to local and regional structures of government. The sum of this is that though there are differences between the parties in how they wish to develop English sub-national governance, both the Conservative and Labour parties in their different ways have engaged with attempts to answer how best to develop government instrumentally in England at the sub-national level. This has simply continued since the 2014 Scottish Referendum and if anything with a bidding war on just
how much budgetary devolution would occur answers to this English question have become more significant and politically salient since the Scottish referendum.

On the second English question, symbolically presented as the West Lothian Question, in contrast to Labour, the Conservatives have quite explicitly asked it. Pressure and consideration within the Conservative Party began while in opposition and since 2010 there has been a strong rhetorical commitment to speak up for the slogan of English votes for English laws (EVEL). In 2012 the Government appointed the McKay Commission on the Consequences of Devolution for the House of Commons to consider how the House of Commons might deal with legislation which affects only part of the United Kingdom following devolution of legislative powers to the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly. This reported in March 2013 and recommended that the House of Commons adopt the broad principle that ‘decisions at the United Kingdom level with a separate and distinct effect for England (or for England and Wales) should normally be taken only with the consent of a majority of MPs for constituencies in England (or England-Wales).’ The Commission recommended a range of possible options for giving effect to this principle in the procedures for legislation which all referred to a role simply for MPs from England (or England and Wales). These included a legislative consent motion (LCM) in a grand committee or on the floor before second reading; a specially constituted public bill committee; an additional opportunity at report stage for amendments to be made to a bill; a report committee to re-examine a bill; a pre-legislative scrutiny committee; a double count of MPs in divisions over readings of the bill which would be illustrative but not binding; and allowance for parliamentary time for special consideration of the government’s proposals. It is instructive that while all of the options to a greater or lesser extent required special consideration of the view of MPs from England (or England and Wales) and therefore met
with the requirements of the general principle, none of them asserted the right for these MPs to have the final say over all MPs in the House of Commons (McKay, 2013).

In practice, in the period following its publication, the McKay Report received relatively little discussion and when the Prime Minister signalled the need to address English representation in the House of Commons in his post-Referendum speech this became the first time that it became a serious focus of consideration among MPs. Of course, the Prime Minister’s speech set up an expectation of EVEL being implemented fairly straightforwardly. However, the McKay Report offered a consideration of the subject that while acknowledging the need to recognise the rights of MPs for England in bills only affecting England it also built from the assumption of the required unity of the House of Commons and to not create different classes of MPs. Beyond this there also lay a recognition that even law that strictly legally affected England only, could easily have indirect consequences for the rest of the UK through setting precedents, spill overs, and the weight of it being law for 85% of the state that might set expectations elsewhere.

The issue was considered by the Government’s Devolution Committee, chaired by the Leader of the House of Commons, William Hague. After much deliberation and touting of different options the Committee’s proposals were announced on 3 February 2015. These suggested that in the case of bills relating to English-matters only all MPs should vote at first and second reading stages. However, at the committee stage, for line by line scrutiny, the committee should consist of English only MPs, defined by representative party balance. Following the committee stage there should then be a grand committee composed of all English MPs in the House of Commons to vote on a legislative consent procedure. At this point all English MPs would have the opportunity to vote for or against the bill, and if the vote went against the bill it would proceed no further. If they voted for then it would go back for a third reading involving all MPs. This procedure would be followed in similar fashion if
it simply related to England and Wales but not Scotland or Northern Ireland. The committee and legislative consent stages would simply involve English and Welsh MPs only. William Hague in announcing the proposals, emphasised that they brought fairness and accountability to dealing with English only legislation and was consistent with the idea of EVEL. But at the same time it gave the final vote to all MPs therefore sustaining the idea of the UK Parliament as a united parliament of the Union. It avoided an EVEL that could be seen in terms of the assertion of an English nationalism which would have been seen to exclude Scottish MPs and drive a wedge between MPs. In effect, the Government’s plan represented a variant on the McKay Commission’s option of a legislative consent procedure in grand committee; simply that it would be after the second reading rather than before it.

The proposals have relatively few supporters. Even for those who are sympathetic to the spirit in the proposals of parliamentary adaptation rather than root and branch change, it pushes the idea of parliamentary adaptation potentially way too far, threatening to underpin the de facto operation of a bifurcated executive in the House of Commons if the Government does not have a majority of English MPs. Following this line of thought Labour preferred the McKay option of a specially constituted bill committee which would focus the role of English-only MPs on debating the detail of bills without the right to veto. This would prevent as they see it a Tory majority in England denying the will of a Labour UK government in implementing its programme for England. Equally though, the proposals were criticised by the SNP for being highly problematic in what it defined as an English only law. If this included the deliberation of income tax then this would exclude Scottish MPs from the line by line deliberation at committee stage over tax thresholds etc that were not devolved. However, the proposals were criticised most by MPs on the right of the Conservative Party and by UKIP for not being proper EVEL and giving Scottish MPs a veto in the third reading stage – that they in turn could try and veto what the English Grand committee had agreed.
The proposals lie on the table for the Government elected in May 2015 to adopt or not as it sees fit, and it is possible that the proposals could be taken forward by a Conservative Government with a focus on establishing conventions of respect between expressions of will by an English Grand Committee and votes of the whole House. Of course, the issue only becomes politically salient in the context of a House of Commons where the UK Government does not have a majority of English MPs as well, which actually happens very rarely. If such conventions are to be established they have their best chance of bedding down if this is indeed not the case. Alternatively, Labour’s preference for a bill committee option may be found to be more workable. Whatever the case the English question on parliamentary representation is now firmly on the agenda and will require some answer. The parties at the centre have proposed different types of parliamentary adaptation to deal with English representation within the UK Parliament which avoids more far reaching debates about English representation but still takes UK constitutional practice into uncharted waters.

This takes us to the third English question which raises whether and how England should be represented separately as an identity community. There are indicators of a rise in English consciousness, not least from public attitudes surveys and reflected in the rise of the UK Independence Party, committed to promoting an English consciousness as part of their campaign to withdraw from the EU. Beyond the main parties, a campaign for an English parliament has also emerged. It is possible that in time English political mobilisation may become potentially fertile ground for pro-devolution and pro-European sentiment, but in the short term the Campaign for an English parliament, UKIP and the Conservatives have positioned the mobilisation of English sentiment as a hostile response to decentralisation across the rest of the state allied to a Eurosceptical European sentiment in UK politics. In this way the assertion of Englishness in the domestic territorial politics of the UK currently adds to a particular English assertion of Euroscepticism abroad.
Nevertheless, while wishing to reflect English concerns it remains only the far right within the Conservative Party who genuinely consider ideas of an English parliament. Generally, there is not a groundswell of public support for an English parliament and this remains a question still that neither the Conservatives nor Labour wish to ask. The Conservative leadership believes parliamentary adaptation in response to EVEL pressure is sufficient to address this issue and Labour wish to divert debates about wider reform in England to a re-consideration of English regional government as part of a wider consultative convention in England. Consequently, debate of this question remains nascent still and ultimately does not appear to have been decisively changed by the 2014 Scottish referendum. It reflects the continued concern about addressing English questions at the centre as part of the devolution debates across the UK. It has been long feared that this is a Pandora’s box that if opened too far would let out a potentially over-assertive England that would unbalance the territorial constitution and would be likely to do more than anything else to drive wedges across the UK and lead to its break up. So the English debate has advanced since 2010 and has been the one most strongly influenced by the Scottish referendum; simply having the Scottish debate put in front of an English electorate throughout 2014 meant that the parties at the centre felt that it had to be seen to address England’s concerns as well as part of devolution debates across the UK. However, while English devolution was heralded with much rhetoric the proposals for change are adaptive rather than transformative, representing again the desires of parties at the centre to reform incrementally, adjusting practices to address current pressures, arguing over options mainly in relation to how they affect party interests. The English debate like the others has not presaged broader reflection on the constitutional framework as a whole.

**Conclusion**

The manner in which devolution debates across the UK outside Scotland have been addressed since September 2014 shows much continuity with past experience. They have been dealt
with largely on a bilateral basis; they have involved incremental developments of existing settlements; and they have reflected a disinclination to consider them in terms of broader reflection on the territorial constitutional framework as a whole. The rationalist academic may throw up their hands at the apparent lack of a plan and in particular the lack of explicit engagement with federal ideas of state reconstruction. Yet, perhaps was it ever thus for a reason. What the era of devolution, crystallised in the debates across the UK at the time of the Scottish referendum, has perhaps fully revealed is how variegated the UK territorial state is and how each part demands solutions in their own terms. Equally, the very stability of the UK state places a high tariff on its overall success economically, politically and diplomatically. The parties at the UK level are presented with a constant ratchet of achieving success defined by very high standards. The risks of engaging with fundamental reform of the UK internally and getting it wrong are high; the political resources available to do it are relatively low; and the costs of managing a more sophisticated territorial framework which, if explicitly federalised would either need to include the tethering of England or the construction of regional England, are likely to be extremely burdensome. In this context the centre opts again and again for adaptation and judges success by keeping it all together somehow.

The fact of a UK coalition government since 2010 of course has raised the interesting political question of whether the presence of the one party which has in recent times argued for fundamental change – the Liberal Democrats – has made any difference. It may have done so in relation to pushing the agenda for further Welsh devolution. But a federal vision for the UK has never got off the ground; reflected also in the falling to ground of the plan for House of Lords reform, which in itself could have further encompassed the representation of the nations and regions at the centre. Instead, the central management of devolution debates appears to have largely borne the imprint of the Conservatives; not simply because of the
continued bilateral, incremental and adhoc approach but also because of the different choices over how to deal with different devolution debates to their Labour predecessors. This has come out perhaps most in Wales, where they have felt that they have had the autonomy to resist meeting demands for new legislative powers in full, and have instead prioritised fiscal devolution, hinting at a push back, putting a devolved Labour government on the spot about how it can pursue Welsh Labour aims while also being fiscally prudent. Equally, it has also come out in relation to England, where the proposals for parliamentary reform to encompass English representation, have been significant both for generally legitimising the need to address English questions more extensively and for specifically proposing changes that could quite substantially change how Parliament works. What significance we give to this period of territorial constitutional debate ultimately requires the passage of time; though the imminent 2015 election and its aftermath do of course have significant potential to compress the period over which major change may yet happen.

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