1. To someone like myself who – despite being half-English and half Ulster-Scots, and also having a Welsh sister-in-law – was denied a vote in earlier referenda to approve the establishment of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly, as well as the recent referendum on Scottish Independence, on account of my being resident in England, I welcome this opportunity to comment on Devolution and the Union.

2. I am sure you will appreciate that, given my family’s roots in all four parts of the United Kingdom, I am unashamedly a UNIONIST with a capital U, N, I, O, N, I, S, T. I believe very strongly that the sum of the Union is greater than its component parts; that the Union is – or should be – a partnership of equals in which no one part has, or should have, dominance over the other three; that without any of its parts the residue of the kingdom would very soon cease to remain “united”; and that one’s primary allegiance, other than to Almighty God, should be to the maintenance of the Union of the United Kingdom of England, Scotland, Wales and Northern Ireland, rather than to any political party (or parties).

3. Like a four-piece jigsaw puzzle or a multi-threaded tapestry, each piece of the jigsaw – each localised but, nevertheless, currently interwoven thread – is unique and special. Without the contribution of any one piece or thread the picture itself becomes incomplete, its beauty marred, and its value depreciated by others at home and abroad. It is therefore fundamental to the well-being of the United Kingdom (as a whole) that a way forward is established which will buttress the Union of the United Kingdom for many years to come, lest we degenerate into being merely a federation of semi-independent nation-states bound and gagged together, possibly via our shared membership of the leviathan European Union.

4. Above all else, I believe the United Kingdom to be – and should remain – a unitary state, not a multi-national state. There is a difference: the former assumes the UK (as a whole) to be one nation and should be governed by one government which may, or may not, decide to devolve powers to subordinate institutions and/or local authorities, whereas the latter believes the Union to be four semi-independent nations bound together by a common head of state, with a large degree of autonomy over matters not directly legislated for in the United Kingdom Parliament.

5. At this point too, it also seems important – when discussing devolution – to distinguish legislative devolution (i.e., devolving the power to enact legislation) from administrative devolution (i.e., devolving the responsibility to execute and apply legislation), to locally-elected representatives, as prior to the establishment of the National Assembly for Wales, the Scottish Parliament and the Northern Ireland Assembly, the UK (as a whole and, to a greater or lesser extent) enjoyed a modest level of administrative devolution.

6. The Union of the United Kingdom has served the diverse peoples of England, Scotland, Wales and Northern Ireland well for 214 years, whilst the legislative union between Scotland and England established by the 1707 Treaty of Union – and underpinned by the earlier Union of the Crowns of 1603 – has proved to be largely successful in promoting peace and harmony, growing prosperity and lasting stability, between the peoples of
England and Scotland for that much longer. Together, we have become – to coin a phrase – “a force for good” on the world stage, and have achieved much more together than would have been the case had we remained – or, God forbid it, were we to ever again become – apart from, rather than parts of, one another. We are not merely strangers, or even neighbours, in the same street, but members of the same family and occupants of the same house.

7. It follows from this, that I believe it was a grave mistake to allow the electorate of Scotland the right to unilaterally decide whether or not they wanted a devolved legislature, the electorate of Wales the right to unilaterally decide whether or not they wanted an (initially administrative but, more recently, increasingly legislative) assembly, and the electorate of Northern Ireland whether they unilaterally wished to see the restoration of some semblance of devolved government in the Province along with all the other constitutional baggage (particularly the North-South Ministerial Council and Secretariat, the scarcely-mentioned North-South Implementation Bodies, and the British-Irish Agreement, Conference and Secretariat) prescribed in the 1998 Belfast Agreement, without affording the electorate in all other parts of the United Kingdom (particularly England which, after all, is the largest part of the UK) a say on whether or not such institutions should be established and whether or not legislative and/or fiscal powers should be devolved from the United Kingdom Parliament to those institutions. That said, in the absence of a devolved legislative assembly, successive UK Governments from 1972 to 1998 had no business legislating for Northern Ireland by non-amendable Orders-in-Council in the UK Parliament – rather than by Bill (as was the case for the remainder of the United Kingdom) – and should apologise profusely to the electorate of Northern Ireland for the harm and distress such shoddy governance afforded them, in rendering them second-class subjects of the UK via being governed as though they were citizens of some coconut colony rather than an integral part of the United Kingdom.

8. One does not need to be either an acclaimed, or self-styled, “constitutional expert” to realise that legislative devolution will inevitably lead to the anomaly known as “the West Lothian Question”, and possibly compromise laws and policy pertaining to taxation and social security throughout the United Kingdom as a whole, to the detriment of largely harmonious relations between, and within, the four parts of the Kingdom.

9. One also has no way of knowing whether it was this, or the recent surge in electoral support for the Scottish National Party, which has led the great constitutional vandal Tony Blair to recently admit it was a mistake to press ahead with devolving primary legislative powers to locally-elected representatives in Scotland, though even his predecessor (the late and much-respected John Smith) could not have foreseen that – far from legislative devolution being “the settled will” of the Scots – it would, in turn, ignite a spark for separatism which even the most ardent unionist would find difficult to extinguish, before it became a fire hell-bent on destroying all which is common and dear to patriotic Britons in all four corners of the Kingdom.

10. It should also be acknowledged that Margaret Thatcher probably stoked the embers of the 1979 referenda for Scots and Welsh devolution (introduced by the Callaghan Government) when she introduced the community charge a year earlier in Scotland than in the remainder of Great Britain (if not necessarily the United Kingdom as a whole, for it was never introduced in Northern Ireland), and that John Major further fermented demands for
devolution when he, in turn, irresponsibly replaced the two-tier structure of local government in Scotland and Wales with a small number of unitary authorities there.

11. Indeed, it should be noted that (in 1997-98) only a tiny majority of Scots, Welsh and Northern Irish electors originally voted in favour of legislative devolution. In Scotland as a whole, whilst the electorate voted by approximately 74% to 26% in favour of establishing a devolved legislature (in the 1997 referendum which led to the creation of the same), it should not be forgotten that only 60.4% of the total electorate turned out to vote and therefore one could argue that a majority of all eligible electors did not actually vote for legislative devolution. In the parallel referendum in Wales, whilst the electorate voted by 50.3% to 49.7% in favour of establishing an administrative assembly, only 50.1% of the total electorate turned out to vote and therefore one could argue that the assembly was established on the whim of just over a quarter of the entire electorate, whilst three-quarters of all eligible voters did not vote specifically for it. In Northern Ireland, whilst 71% of those voting in the referendum on the Belfast Agreement (re-establishing the Northern Ireland Assembly) voted in favour of it, given the Agreement’s virtually unanimous acceptance among Irish Nationalists (i.e., approximately 35-40% of the population of the Province) and deep division among Unionists whether or not to accept it, it soon became clear that whilst an overwhelming majority of Irish Nationalists and Republicans voted in favour of it, only a minority of Unionists did so, whilst only 81% of the total electorate turned out to vote. Therefore, if one adds the 19% of the Ulster electorate who did not vote in the referendum to those who did but voted against the Belfast Agreement, one soon realises that more than four out of ten voters eligible to vote either voted against it or, at least, did not vote for it: hardly the most emphatic endorsement of the then UK Government’s commitment to executive and legislative devolution in Northern Ireland. In short, there is no mandate – even within those parts of the United Kingdom where legislative powers have been devolved – for legislative devolution to any, or all, of the four parts of the UK.

12. Insofar as administrative devolution is concerned, it is to be regretted that successive United Kingdom Governments (of all political hues) have not always appreciated the motives of the electorate in voting for particular political parties in the various states/regions of the United Kingdom, and have often used – or should one say abused – those states/regions who have rejected Members of Parliament belonging to political parties other than their own, as being not unlike the political equivalent of rats in a vivisectionist’s laboratory when experimenting with controversial policies (particularly relating to the reform of local government finance and the restructuring of local government) to the detriment of good relationships between the government and the governed as a whole. I referred earlier to the animosity Margaret Thatcher cemented between the United Kingdom Government and Scots voters when she introduced the community charge there a year earlier than its introduction in England and Wales, whilst John Major’s abolition of the two-tier structure of local government in Scotland and Wales was widely perceived to be little more than an ideological attack upon Labour-controlled regional councils in Scotland and Labour-controlled county councils in Wales rather than an experiment to see if unitary authorities could effectively execute and apply legislation prior to their introduction in largely Conservative England. Clearly, then, amidst the growing conflict between central government and local authorities, politicians (in all parties and none) at all levels, appear to have lost track of the reason why administrative responsibility over particular functions and services was historically devolved to locally-elected
representatives and the purpose for, and of, local authorities as they have been traditionally understood.

13. It was with this in mind that, counselling against the possibility of devolving legislative powers to those Hell-bent on destroying the Union of the United Kingdom, Willie Ross (who was Ulster Unionist MP for Londonderry from February 1974 to 1983 and for Londonderry East from 1983 to 2001) once claimed – quite rightly in my view – that “there can only be devolution in a unitary state if those in control of any devolved authority are unionists, lest the devolved authority itself becomes a springboard for separatists.”

14. Unfortunately, Ross’s words were interpreted simply and solely as a rejection of power-sharing in Northern Ireland on account of a purportedly “bigoted” Unionist objection to including Irish Nationalists in the government and administration of Northern Ireland, without fully appreciating that Ross meant any and every power (including administrative responsibility, let alone legislative power) can only be devolved to assemblies/legislatures and local authorities if their members are committed to maintaining the integrity of the Union, as nationalists (whether they be of the Irish, Scots, Welsh or even English variety) will use – or should one say abuse – any powers devolved to them and the devolved institutions/local authorities themselves to advance the cause of separatism. A true separatist will never be content with simply having any power devolved to him but, ultimately, seeks total authority and autonomy from the body (i.e., United Kingdom Parliament) which currently exercises authority over him. This is the inherent danger of the current Government’s proposals for “devo-max” which, if allowed to proceed unchecked, will only serve to exacerbate (rather than quash) demands for separatism and may, in turn, lead David Cameron to belatedly join Tony Blair in admitting that such far-reaching constitutional reform is a mistake.

15. The hitherto latent, but recently-unleashed, acrimony between the United Kingdom Parliament and Government and devolved institutions/local authorities throughout the UK has undoubtedly been compounded by Scotland having its own legal system and complications/misunderstandings surrounding the level and range of powers hitherto devolved to the Northern Ireland Parliament and Government between 1921 and 1972 – which many see as a prototype for legislative devolution elsewhere in the United Kingdom – rather than the comparatively short period of direct-rule in the Province between 1972 and the restoration of some semblance of devolved government in Ulster in 1998 ahead of the subsequent creation of the National Assembly for Wales and the Scottish Parliament and/or any serious consideration of how best to enact and execute legislation for solely English matters.

16. At the outset I declare that, historically, I opposed the devolution of fiscal and primary legislative powers to those directly-elected bodies often referred to as “the devolved institutions” – believing such bodies would indeed institutionalise the anomaly which has come to be known as “the West Lothian Question” (whereby Scots/Welsh/Northern Irish MPs could potentially vote on English laws made in the UK Parliament at Westminster but English MPs cannot vote on analogous matters in Scotland/Wales/Northern Ireland for whom responsibility has been devolved to the Scottish Parliament, the National Assembly for Wales and/or the Northern Ireland Assembly). In my heart of hearts too, I would much prefer all pro-union parties in Scotland and Wales would revert to a pre-1995 scenario when Scotland and Wales both enjoyed a modest degree of administrative devolution channelled via a two-tier structure of local government (i.e., regional/county councils and
district councils) rather than a smaller number of unitary local authorities with either the Scottish Parliament or the National Assembly for Wales acting as both a state-wide upper-tier of devolved administration (in a local authority sense) and a legislature (in a law-making capacity) for functions and services transferred to it from the United Kingdom Parliament and Scotland Office/Welsh Office respectively.

17. However, recognising that this is not an option being actively considered by any of the self-styled “pro-union” parties I have reluctantly come to the conclusion that, in order to overcome the anomaly of “the West Lothian Question”, rather than devolve more powers over a wider range of government functions and public services in Scotland, Wales and Northern Ireland, all efforts must now be placed on federalising the governance of the United Kingdom as a whole, if we are to avoid creating two classes of Parliamentarian in the UK Parliament and institutionalising the very division which the United Kingdom Parliament was created to dissolve. In saying that, I hasten to add I remain firmly opposed to the transfer of powers over corporation and income tax, and/or national insurance contributions and social security payments, to state legislatures, believing that in the event of the UK moving to a federal system of government such powers must remain reserved by the federal parliament for all four parts of the United Kingdom.

18. That said, the current devolution of further powers to the Scottish Parliament, National Assembly for Wales and the Northern Ireland Assembly – primarily, it would appear, as a sop to nationalists Hell-bent on destroying the integrity of the United Kingdom – surely calls into question the level and range of powers devolved to each of these institutions. The disparity of authority devolved from Whitehall and Westminster – coupled with the absence of a uniform structure of local government throughout the UK – could unleash currently suppressed antagonism between, and within, elected local representatives throughout the United Kingdom.

19. At the same time, as devolution may well result in the eventual contracting-out of more public and local services to the private and voluntary sector or the ending of UK-wide pay and conditions of employment for remaining public-sector workers – as both the devolved institutions and local authorities struggle to prudently operate on finite resources – one should be aware that this may, in turn, subconsciously nurture a further loosening of the wider public’s allegiance to the United Kingdom as a whole, as it has hitherto among many employees of many newly-privatised industries. One could argue that the renationalisation of certain industries, services and utilities may strengthen the Union of the United Kingdom but that is not a road I would wish to go down, and cannot help feeling that the love one has for one’s country (by which I mean the United Kingdom as a whole) does not extend to wishing to renationalise that which has recently been privatised, lest one’s patriotism is usurped by an unhealthy belief in national socialism.

20. Nevertheless, faced with growing disparity in terms and conditions of employment for any remaining public sector workers, and inequality in the level and range of powers devolved to locally-elected representatives throughout the United Kingdom, one feels it is imperative that members and officials of the devolved institutions and local authorities from across the UK liaise with each other more closely than they have hitherto – perhaps via the forum of the British-Irish Council and/or more regular joint meetings of the Local Government Association (representing local authorities in England), Convention of Scottish Local Authorities, Northern Ireland Local Government Association and the Welsh Local Government Association (representing local authorities in Scotland, Northern Ireland and
Wales respectively) – to prevent any powers being devolved to quasi-autonomous non-
governmental organisations by default although, in doing so, one is mindful of the need to
ensure any such forums and organisations are accountable to the electorate as a whole
(rather than simply Her Majesty’s Government at best, and the UK Parliament as a whole at
worst), lest they be viewed as supra-quagos in their own right.

21. In any event, administration by quango (aka “quangopus government” as it was rightly
described by the late Clifford Forsythe, who was Ulster Unionist MP for South Antrim from
1983 until his death in 2000 and Ulster Unionist Parliamentary Spokesman on Local
Government from 1983 to 1995) will surely result in increased, not fewer, calls for
separatism, from those who will soon come to realise that the devolved institutions and/or
local authorities are little more than smokescreens to masquerade the absence of any
meaningful decentralisation of authority to locally-elected representatives. Forsythe, it
should be noted, was a passionate opponent of quango-rule and consistently argued for
greater administrative devolution to, and in, Northern Ireland, citing the unimplemented
1979 Conservative General Election Manifesto commitment to establish one or more
elected regional councils with a wide range of powers over local services in the Province as
the way forward for administering the affairs of Northern Ireland.

22. Amidst the current uncertainty surrounding the level and range of powers scheduled to be
devolved, both the Prime Minister and a large element of both the Conservative
Parliamentary Party and HM Opposition appear, at best confused, and at worst ignorant,
over the differences between devolution and federalism.

23. The two are not synonymous. In a federal United Kingdom, the state legislatures of
England, Scotland, Wales and Northern Ireland, would not be subordinate to the United
Kingdom Parliament (from whom any devolved institution/local authority would devolve
its authority, and by whom they could, if needs be, either be over-ruled or even abolished),
but autonomous from each other and, most importantly, fully independent from the
federal parliament and government of the United Kingdom at Westminster, to allow all
Members of the United Kingdom Parliament to continue to vote on what would then be
solely UK-wide matters.

24. Much as it irks me to say it – as one who strongly supports the hereditary principle and
who was, and remains, strongly opposed to the eviction of all but a remnant of hereditary
peers from sitting and voting in the House of Lords – this could be further strengthened by
replacing the existing House of Lords with an elected senate (comprising either of
nominated representatives from an English Parliament, the National Assembly for Wales,
Northern Ireland Assembly and the Scottish Parliament or directly-elected senators from
each of the states of the UK chosen to represent that particular state rather than any
political party) and, furthermore, possibly abolishing the Scotland Office, Northern Ireland
Office and Wales Office, and transferring their remaining powers to the Scottish
Parliament, Northern Ireland Assembly and the National Assembly for Wales respectively.

25. This would, of necessity, require the creation of an English Parliament and, in all
probability, the creation of a Constitutional Convention to determine the number of
senators from each state in a future federal senate, the voting system for electing senators,
the tenure of a senator’s term in office, and the powers of veto (if any) the House of
Commons would have over the Senate, as well as to decide which functions should be
exercised and what services should be provided/purchased at federal level and which

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functions should be exercised and what services should be provided/purchased at state or even local authority level, as well as the future role (if indeed there is one) for the Scotland Office, Wales Office and the Northern Ireland Office.

26. It is significant that, to the best of my knowledge, during the recent debate on devolution in the House of Commons on 14th October 2014, not a single MP cited Edmund Burke’s apposite remarks in his speech to the electorate of Bristol on 3rd November 1774, when he said “(The United Kingdom) Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain as an agent and advocate against other agents and advocates, but parliament is a deliberative assembly of one nation with one interest that of the whole, where not local purposes, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole. You choose a Member indeed, but when you have chosen him he is not a Member of Bristol but he is a Member of Parliament.” In other words, all Members of the United Kingdom Parliament should be entitled to debate and vote on all legislation enacted in the United Kingdom Parliament.

27. The Prime Minister’s proposal for “English Votes For English Laws” (i.e., legislation for England to be made by English Parliamentarians alone) not only transforms the Conservative Party into an English Nationalist Party – with as much contempt for the Union as a whole as the separatists in the Scottish National Party, Sinn Fein and Plaid Cymru – but it seeks to destroy the legislative union which the United Kingdom Parliament was created to maintain.

28. Furthermore, by failing to explain that the “Barnett Formula” – designed in the late 1970s by the then Chief Secretary to the Treasury, Joel Barnett, as a “short-term solution” to minor Cabinet disputes over the cost of executing and applying legislation in Scotland, Wales and Northern Ireland, in the countdown to expected devolution in 1979 – was never designed either to be permanent or a territorial subsidy by the taxpayers of allegedly “prosperous” England, to fund the machinations of profligate elected local representatives in the purportedly “disadvantaged” regions/states of Scotland, Wales and Northern Ireland, Her Majesty’s Government is failing to remind others that it is a temporary means of addressing the higher cost of providing/purchasing services in rural parts of the United Kingdom with a smaller population spread over a larger geographical area, until such times as the elected representatives of those regions/states assume responsibility for their provision from Whitehall. This failure has served only to increase (rather than diminish) existing acrimony between voters in England and the electorate elsewhere in the United Kingdom to the detriment of the Union as a whole.

29. Time alone will tell whether a decentralised, or federal, United Kingdom will prove to be as lasting and secure a legacy for future generations as the post-1707 pre-1995 legacy was for those of us who were fortunate enough to have enjoyed the dying days of the latter. It is undeniable, however, that the status-quo is unsustainable. Whilst the recent referendum on Scottish Independence may have sedated the clamour for an independent Scotland for the time being, it has not fully slain the prospect of Scottish Independence in the future, anymore than one suspects that the referendum on the Belfast Agreement in 1998 has fully slain Irish Republican clamour for the reunification of Ireland as an All-Ireland Republic independent of Great Britain. The creation of either an independent Scotland or an All-Ireland Republic would surely lead to wanton instability and the long-term destruction of all of us.
30. May Almighty God be moved to afford the unionist parties wisdom in how best to buttress the Union of the United Kingdom of England, Scotland, Wales and Northern Ireland, and improve the governance of all its component parts in the months and years ahead.

31. As an essential first step, perhaps the sovereign’s official birthday could be made a bank holiday throughout the United Kingdom and renamed “Union Day” so all her subjects could celebrate their shared British identity and – particularly in the wake of Her Majesty Queen Elizabeth II recently surpassing Queen Victoria as our longest serving monarch – a concerted effort could (and should) be made to promote the regular singing (or citing) of the UK National Anthem (preferably all three verses), to underline allegiance to the Crown, our largely unwritten constitution, and our shared heritage.

CHRISTOPHER LUKE
September 2015

Christopher Luke (pictured left) was Joint-Founder & Chairman of Easington Constituency Young Conservatives from 1986 to 1988, and a Member of both the Young Monday Club and Monday Club Northern Ireland Policy Committee from 1984 to 1989. A former Secretary of Friends of Ulster, Loyal Orange Lodge 1688 (House of Commons) of the Loyal Orange Institution of England and past member of the UK Independence Party Constitutional Affairs Policy Group, he is a Past Treasurer of the London Swinton Circle (a group of Powellite Tories based in London & the Home Counties) and an Honorary Life Member of Queen’s University Belfast Ulster Unionist Association.

The views expressed in this submission are, however, his own, and are not necessarily those of any organisation and/or political party with which he has been, or is currently, connected.