HOW CAN WE STRENGTHEN AND STABILISE THE UNION?

“We look to Scotland for all our ideas of civilisation.” Voltaire.

Introduction to Scotland In Union

1. Scotland In Union is a non-party movement united around a positive view of Scotland within the United Kingdom. It is a not-for-profit organisation, with supporters from all shades of moderate political opinion. Its membership hold a diverse range of views, but we are united in believing that staying together, and working together, with our neighbours in the rest of the UK is in the best interests of Scotland and the wider British people. Since it was launched in March 2015 Scotland In Union has grown progressively in both membership and organisational structure. Its activities are all aimed at informing debate on the question of unity in the UK: letters to newspapers, contributions to consultation papers, advertising campaigns, and publishing material on our website and in print. Scotland In Union aspires to make a positive and helpful contribution to civic society and to the development of the UK.

2. Scotland In Union looks forward to a day when political debate in Scotland is about the pressing and important political concerns of our day: for example, prosperity, equality, and justice. To revive a 17th century border and divide a state on ancient notions of nationality is regressive, and incongruous in today’s connected world. By contrast, the case for unity in Britain is one of morality and principle. The Union is a progressive institution: peaceful, enduring, and prosperous.

3. Scotland In Union notes that there is majority support for the continuation of the Union in all parts of the United Kingdom. This support was most recently demonstrated in the Scottish Referendum of 18 September 2014 when, despite the poll being held with question, answer, franchise and timing determined by those favouring separation, a healthy majority voted in favour of unity. The UK endures as a united polity despite what might be charitably described as ‘benign neglect’ by successive UK governments. That nations united by language, geography and history should share a common legislature and government is a modest and rational proposal, but it would be a mistake to assume that its continued success is assured. For this reason, Scotland In Union welcomes the Committee’s Inquiry and wishes it success.

4. The questions suggested in the Committee’s Call for Evidence are addressed below.

What are the essential characteristics of a nation state? Are these different for a state in which power is devolved and, if so, how?

5. If there is to be further devolution, the UK needs to have a clear vision of what is, and will remain, common to the whole UK within a stable constitution. It is suggested that the matters which are the sole prerogative of the nation state, or sovereign state, should include:

- borders, immigration, and citizenship
- the rights and duties of the citizen
- common defence of territory, people and interests
- the constitution
• large infrastructure projects (for example, high-speed rail, research facilities)
• macro-economic policy
• currency
• foreign policy and international aid
• membership of supra-national organisations
• distribution of the fruits of natural resources
• broadcasting and media regulation
• industrial and financial regulation, and consumer protection
• international trade policy
• fiscal policy to support the above

What are the key principles underlying the Union between England, Wales, Scotland and Northern Ireland? Are there principles that are unique to the UK’s Union?

6. The key principles underlying the Union are our common defence; social solidarity within the Union; common rights and duties of all British citizens; and a shared opportunity to benefit from the UK’s natural resources. Importantly, these are underpinned by shared cultural elements, while still recognising diversity within the Union. Whether any aspects our Union are unique, we are not in a position to say, but it is noted that the British Union was multinational and multicultural from its inception and this must be regarded as a fundamental strength.

7. However the UK is unusual in that one part, England, is larger than all the other parts combined, and it is often taken as pars pro toto for the United Kingdom itself. Perhaps only the relationship between Holland and the Netherlands is comparable today, with the relationship between Russia and the Soviet Union providing an historical example.

On what principles are the UK’s devolution settlements based, or on what principles should they be based? Have principles emerged through the process of devolving power, or as power has been exercised by the devolved nations and regions?

8. We note that devolution in the UK has been largely developed as a pragmatic response to events, and devolved legislatures and administrations have been put in place as a matter of expediency rather than principle. There is an argument for establishing a principle of subsidiarity, whereby government decisions are made at a level closest to the individual citizen as is possible without losing the benefits of common defence and national solidarity. We note that there are some virtues in the principle of appropriate subsidiarity, but it is important to preserve the sovereignty of Parliament, the Rule of Law, and equal rights for all citizens on a UK-wide basis. It is also important that the principle of subsidiarity does not stop at the UK’s devolved parliaments and assemblies, and that power is further devolved to local authorities where possible.

Are there applicable examples from other countries with multi-level governance structures?

9. Scotland In Union offers no expertise in the governance of other countries. However, it is noted that some countries offer a large measure of local autonomy to sub-national entities, and can do so securely where there is no threat to national unity as a whole. Australia, for example, is able to have many functions exercised at state level but, because there are no significant separatist movements, those functions are unlikely to be misused to further the
cause of separation. Similarly, Germany has Länder with highly developed local identities, but no serious threat to the territorial integrity of Germany itself. States in the United States enjoy a large measure of autonomy, to the extent of states having widely differing legal systems but do not enjoy the right to secede, and are committed to a single currency, national defence and a common system of rights and duties. By contrast, the powers exercised at Provincial level in Canada are open to abuse by a strong separatist movement in Quebec.

10. Scotland, Wales and Northern Ireland each have separatist political parties with sufficient support to form governments within their individual areas, and any devolved functions are always in danger of being misused to exaggerate regional differences, stoke grievances, and further separatist agendas.

**How might these two sets of principles be embedded in the UK’s constitution, or entrenched in the work of governments and legislatures across the UK?**

11. British citizens living in Scotland would be in a more secure position if they knew that their rights as British citizens could not be diminished or changed by the devolved governments. A common statement of rights and duties throughout the UK would assist this process. If there is to be any legislation to replace or complement the Human Rights Act 1998 (for example, a “British Bill of Rights”) then it is essential that it extends to all part of the UK and ensures a common British rights culture.

**What is the effect on the Union of the asymmetry of the devolution settlement across the UK? What might be the impact of the further proposed devolution of powers to Scotland, Wales, Northern Ireland and English local government? Is the impact of asymmetry an issue that needs to be addressed? If so, how?**

12. Asymmetric devolution is flawed in that is does not ensure equal rights within the UK. As one example, a student in Scotland whose parents live in England, Wales or Northern Ireland does not enjoy the same access to student funding as a student whose parents live in Scotland or in any other EU country. To be clear, at present equal treatment of EU citizens within the EU is guaranteed by EU law, but equal treatment of British citizens within the UK does not enjoy equivalent legal status. This appears to be an area in which the UK could act, ensuring that all parts of the UK treat all British citizens as equals.

13. More generally, asymmetric devolution may have been acceptable where its effect was fairly minimal, but where there is further substantial devolution it is no longer feasible in the long term as it creates an unstable constitutional arrangement. We note in particular the eventual outcome (although it took somewhere between 50 and 150 years) of interminable wrangling over Irish Home Rule. Such a period of drift must not be repeated. A new vision for our islands is required.

**What might be the effect of devolving powers over taxation and welfare on the economic and social union within the UK? Are there measures that should be adopted to address the effects of the devolution of tax and welfare powers?**

14. The devolution of tax and welfare powers presents a threat to the UK’s social solidarity. The prospect of significantly different tax rates in different parts of the country is divisive. At present it cannot be said that one part of the country “subsidises” another because each
individual taxpayer is charged on the same basis. Similarly, the prospect of different welfare budgets for different parts of the UK undermines the sense in which all citizens of the UK should benefit from the prosperity of any one part of it. The UK’s long history of constitutional stability, which has created an environment for commerce to thrive, is the result of the efforts of citizens from all parts of the UK. If aspects of taxation and welfare are to be devolved then the Government must take steps to offset the risk of weakening the UK’s social solidarity.

What other practical steps, both legislative and non-legislative, can be taken to stabilise or reinforce the Union? How should these be implemented?

15. The UK should establish a policy of seeking “ever closer union” (similar to the aspiration set out for the European Union in the Treaty of Rome). All agencies of the UK Government and bodies funded by the UK taxpayer (including the Civil Service) should be under a duty of mutual co-operation, and UK funding should never be used to undermine the unity and solidarity of the UK. The UK Government should protect British national symbols and defend the right to display them in appropriate contexts. UK Government projects, and UK-funded projects, in all parts of the UK, should be clearly marked and branded so that shared activities are transparent throughout the country and, indeed, around the world. In short, the UK should recognise its own legitimacy, celebrate its achievements, assert itself where required and, fundamentally, stop apologising for its own existence. Further ideas for strengthening the Union are listed in the Annex to this document.

16. The Government should also recognise that the continued existence of areas of extreme poverty in Scotland (and other parts of the UK) will remain a threat to national unity until addressed. In the midst of an increasingly prosperous society, such poverty is a reproach to the British Government whatever its political complexion, and is a cause of social unrest which can be exploited by separatists. This observation arises from the experience of Scotland In Union members, who canvassed in the cause of unity during the referendum campaign and found many “Yes” voters to be of the opinion that they had nothing to lose. It is important that everyone in the UK has an investment in the future of our country. Those without a stake in the future are less easily persuaded of the benefits of unity and stability.

17. The Government should monitor the effect of devolved government closely and assess the extent to which it does, or does not, deliver better outcomes for its citizens who live in parts of the UK with devolved administrations. Voters throughout the UK should be able to assess whether the services they receive in areas such as education, health and policing, are improving or worsening by comparison with other parts of the UK. It is, therefore, essential that government data produced by devolved administrations and central government is compatible so that meaningful comparisons can be made. Devolved government should not be able to change the parameters by which its success is measured so as to obscure comparison with services in other areas. It is particularly important that a consistent standard of financial reporting is maintained.

Is the UK’s current constitutional and legal structure able to provide a stable foundation for the devolution settlement? What changes might be necessary?

18. Although, as noted above, all parts of the UK support the continued existence of the Union, there is no room for complacency. Further devolution within the UK’s current constitutional arrangements is only possible if the UK Government is clear that there are central nation-state
functions which must remain the prerogative of the UK Government. The UK Government must not cede any power on a permanent basis and must retain, at the last resort, the right to use devolved powers if necessary. Above all, the United Kingdom must never again fund those who seek its destruction.
ANNEX

PROPOSALS TO STABILISE AND REINFORCE UNITY IN THE UNITED KINGDOM

I. The UK Government and Parliament must continue to retain reserve powers to exercise any devolved function or legislate in any devolved area if necessary.

II. If a devolved function is not exercised by a devolved administration for a significant period (for example, five years), the power should revert to the UK Government. Subsidiarity is important, but its value should be measured by the judicious use of powers, not the ability to use them at some unspecified future date. If a devolved administration needs a power that it does not possess, it could make an appropriate, relevant, and timely case for the right to legislate accordingly.

III. The UK Government should take steps to increase public understanding of the correct names for the United Kingdom and its constituent parts (that is, the terms “United Kingdom”, “Great Britain”, “England”, “British Isles” etc). The UK Government should encourage correct usage at all times.

IV. The UK Government should introduce a scheme to encourage students in any part of the UK to study at university or college in another part of the UK, in pursuit of greater cohesion across the country as a whole. Financial incentives should be considered. The Government should encourage exchanges and events between schools and other organisations across the UK, in order to build shared understanding and reduce parochialism.

V. Although distinctive legal traditions are an important part of the UK’s diversity, it is not in the public interest to encourage unnecessary and unhelpful differences in the law within the UK. The UK Government should introduce a long term project to work towards greater integration of UK’s legal systems, and all law reform projects should include consideration of the advantages of any reformed area of law having UK-wide territorial extent.

VI. The UK Government should take active steps to discourage the Balkanisation of institutions and organisations in the UK. It is not necessary for public bodies, charities, sporting groups, and arts administration organisations to divide into separate administrations for different parts of the UK. Insofar as the Government has influence over the future direction of the BBC, it should discourage further devolution within that organisation. BBC Scotland, for example, should remain a regional part of the national institution, not become an increasingly autonomous body.

VII. The UK Government should consider encouraging the Bank of England to change the design of banknotes (and coins) so that it is clear that they are the common currency of the UK. A new design would emphasis “United Kingdom Pounds Sterling” rather than “Bank of England”.

VIII. The UK government should support and encourage national sporting endeavours through Team GB training and competition. The achievements of British sportspersons should be
recognised throughout the UK, and the unnecessary duplication of the institutes for sporting excellence should be stopped or wound back.

IX. The UK Government should take more active steps to promote understanding of UK institutions within the parts of the UK. For example the armed forces, the Bank of England and the Department for International Development should expand their campaigns to raise awareness of what they do and how they do it for the UK as a whole.

X. Although it is recognised that education is a devolved matter, the UK Government retains an interest in the quality of education and its role in promoting harmony within the UK. It should be mindful of the risk of devolved governments narrowing the curriculum in pursuit of nationalist aims. The Government should consider the possibility of a minimum curriculum on citizenship, common to all schools in the UK, which would prepare all school students for life as a British citizen.

XI. The UK government should encourage its agencies to use the Union flag (and Scotland In Union welcomes the recent addition of the flag on driving licences). It is not intended that we enter into conflict the nationalists in different parts of the UK (including England), but it would help people to recognise when a service is shared across the whole UK.

XII. UK Government ministers should take steps to be visible in all parts of the UK. Cabinet meetings have been held in different cities around the UK, and despite some public scepticism, this move toward greater visibility could, with persistence, become a permanent feature of governance in the UK.

XIII. All information and data collected by government bodies, including devolved government, should be presented in a form which allows comparisons to be made across the UK. It should be possible for citizens to compare the performance of schools, outcomes from hospitals and crime rates in different parts of the UK in order to assess the performance of government ministers in the areas in which they live. It should not be possible for devolved administrations to obscure their performance issues by presenting data which does not allow for cross-border comparisons. Common standards should apply to financial data published by devolved and central government so that relative performance can be scrutinised by auditing bodies and by the general public.

XIV. Civil servants working for the devolved administrations should remain British civil servants. For example, in Scotland they should (naturally) assist Scottish Ministers in carrying out the devolved functions of those Ministers within terms of the Scotland Act 1998, but the UK Government should also take steps to ensure that civil servants working for devolved government do not carry out work which relates to reserved matters unless it is in support of UK Government departments. In particular, they should not be employed to undermine the unity of the United Kingdom.

XV. The UK Government should consider marking of birth of every child in the UK, celebrating the birth of every new British citizen. The occasion could be marked with a letter or a gift. Suggested gifts could be items of practical use for supporting newborn babies, or something symbolic, such as a proof set of British coinage from the Royal Mint as a token of investment in a new life. Scotland In Union understands that a similar scheme is in operation in Denmark.
Alastair Cameron, on behalf of Scotland In Union,
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