The Constitution Reform Group—Written Evidence (UDE0045)

Introduction

The Constitution Reform Group is a cross-party body that has come together to address threats to the constitutional stability of the United Kingdom. The list of members of our Steering Group is set out below, and further details about us (including lists of patrons and correspondents) will be found at http://www.constitutionreformgroup.co.uk/about/.

The first objective of the Group is to inspire a widely-based discussion which will aim to articulate the core values of the United Kingdom. We have begun that by issuing a discussion paper which was launched at panel discussions at each of the Conservative, Labour and Liberal Democrat party conferences in autumn 2015. The discussion paper is attached to this submission.

The discussion arising out of that paper will focus on principles which could form the basis of a revised constitutional settlement. Our eventual aim is to identify features of a settlement that would command a general consensus of support from citizens, and thereby secure constitutional stability for the foreseeable future.

The issues to be addressed by the Committee in its inquiry into The Union and Devolution are within the remit of the Constitution Reform Group’s interests.

Our fundamental premise is that the United Kingdom as an effective Union is under threat, is worth saving and can be saved by prompt action. We believe that the four constituent nations of the United Kingdom have been inextricably intertwined for decades, and that this has been greatly to the benefit of each of them. The nations and their peoples are connected by ties of family, business, education and research and by a history of which every citizen can be proud; and they share a culture of rights, the rule of law and openness to the world which are conducive to human happiness and the prosperity of all citizens. We believe that if the United Kingdom were to be broken up, we would all become immeasurably weaker in the short term and more so with time.

We see an immediate threat to the constitutional future of the United Kingdom in the likelihood of a repeated referendum on Scottish independence in the near future. There are, however, other and longer-term discontents and concerns which we believe are placing increasing pressure on the existing constitutional settlement.

Committee’s Questions
Question 1 – characteristics of a nation state: We discuss this primarily in Chapter 2 of our paper, where we begin to identify the central functions that define the over-arching state. The proposed methodology for the discussion which we hope to inspire focuses on identifying which functions are truly central in the sense of being best performed for the United Kingdom as a whole by central state mechanisms. We propose to invite stakeholders to identify what functions are most efficiently and effectively performed at a central level; and how those functions enhance the nature of a strong central Union. We will also invite citizens of each part of the Union to consider whether there are aspects of an overarching state that are not necessarily about the performance of particular governmental functions, but may be more about establishing a partnership for greater fairness and justice for each constituent part, as well as preserving a shared national culture and identity. Our preliminary discussion paper identifies an initial list of central functions, including foreign affairs, defence, national security, macro-economic and monetary policy, immigration, nationality and certain other matters. We are open-minded as to what should be added to our list, and what mechanism should be provided to ensure flexibility to alter it in the light of experience.

Question 2 – key principles underlying Union – We discuss this in Chapters 6, 8, and 12.

Question 3 – devolution principles: We discuss this in Chapter 12. Following the identification of central functions, there are a number of options possible for dealing with what remains. A fully federal system of one kind or another provides one set of options; a system based much more closely on the existing arrangements using devolution to national, local and regional institutions provides another set of options. At this stage we have, as a group, no settled view as to which set of options is likely to be most efficient to deliver a satisfactory and stable revised constitutional settlement. We are clear, however, that there are dissatisfactions and inefficiencies in relation to the governance arrangements for England that require to be addressed. Again, there is a range of options for dealing with the issue of the largest component part of the United Kingdom having no system for localisation or devolution of power, and the contrast with the degree of self-determination enjoyed by the other nations as a result of devolution. We do not believe that the amendment of Standing Orders of the House of Commons in the way that has been proposed for English Votes for English Laws provides a complete or sustainable solution in itself. We are therefore proposing to explore a number of options, some of which may include consideration of the restructuring of the second Chamber of Parliament in the process.

Question 5 – implementation: We discuss this in Chapter 13. We believe that adjustments of Parliamentary Standing Orders cannot be a sufficient way of enshrining the necessary principles to preserve the Union in a form that commands general support of its citizens. We are committed to identifying the key structural elements of a new legislative solution to achieve that purpose.
Question 7 – effects of fiscal and welfare devolution: We discuss this in Chapter 4. On matters of public finance, we are clear that the Barnett formula requires to be replaced, but we have not yet formed a view as to what is the most appropriate redistributive mechanism to replace it. We have taken as a working assumption that central taxes raised at State or federal level require to be distributed on a per capita basis, with mechanisms for adjusting distribution patterns to reflect areas of poverty or other features of particular local or regional need. We have also assumed that greater fiscal autonomy for nations and regions within the United Kingdom needs to be matched by effective rules for borrowing by constituent parts of the Union so as to preserve the economic wellbeing of the State as a whole, while allowing each country and region the flexibility to secure investment for growth and to satisfy its own economic development aspirations.

Question 8 – steps to stabilise and reinforce the Union: We are clear that the benefits of a strong United Kingdom are not confined to economic and political matters, and much of our discussion paper is directed towards attempting to identify some of the intangible benefits of the Union, with a view to considering how best to preserve and enhance them. In the same way, since for many people one of the most important features of the United Kingdom politically, socially and culturally focuses on respect for diversity, equality of opportunity and the protection of the rights of the individual, we are looking at ways to ensure that human rights, equality and respect for diversity remain at the heart of any new constitutional settlement. We are also looking at the law and order implications for the Union both of recent constitutional changes and of the kinds of change that we believe may arise from our discussion. We have also begun to think about the importance of ensuring efficient and effective relationships within the United Kingdom, and how to deal with emerging issues in foreign affairs and defence, including internal defence, within the constitutional settlement.

If we can helpfully expand on any of these issues by way of supplementary written evidence or by way of oral evidence, we will be very happy to do so.

Members of the Constitution Reform Group Steering Group

The Marquess of Salisbury KCVO DL
David Burnside
The Rt. Hon. Sir Menzies Campbell CH CBE QC
Shana Fleming
Daniel Greenberg
The Rt. Hon. Peter Hain
Lord Lisvane KCB DL
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