

DEVOLUTION FOR ENGLAND

A CRITIQUE OF THE CONSERVATIVE PARTY POLICY

‘ENGLISH VOTES ON ENGLISH MATTERS’

‘LIBERTY SHALL STAND UPON THE CLIFFS OF ALBION’

William Blake

‘The circumstances of the world are continually changing,
and the opinions of men change also,
and as government is for the living and not for the dead, it is
the living only that has any right to it.
That which may be thought right and found convenient in one
age may be though wrong and found inconvenient in another.
In such case, who is to decide, the living or the dead?’

Tom Paine.

The Rights of Man.

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1. THE CONSTITUTIONAL AND POLITICAL PROBLEMS THE CONSERVATIVE PARTY'S POLICY IS ADDRESSING

With the Government's 1998 Devolution legislation the Union founded in 1707 underwent a sea-change. As up to that moment the Union had had one instrument or centre or institution of government, namely the United Kingdom Parliament; it had had one location of government, namely London; and it had operated on the understanding that with the one institution of government there was correspondingly one nation: the British nation, embodied in such expressions as the British people, the British Army, the British Empire and the Battle of Britain.

Then, with that legislation the Union underwent the biggest change in its 300 year history. Two institutions of government were added: a Scottish Parliament and a Welsh Assembly. There are now two additional locations of government: Edinburgh and Cardiff. And, as from the vaults of our island history, two nations were resurrected to be given formal, constitutional and political recognition within the Union: Scotland and Wales. 'Scotland is a proud historic nation within the Union' declared Mr Blair in his Preface to the Scotland Bill White Paper. 'The Assembly will be the forum for the nation, able to debate all matters of concern for Wales' stated paragraph 1.15 of the Overview in the Wales White Paper. In the words of Donald Dewar Secretary of State for Scotland in his Foreword to the White Paper: 'The Scottish Parliament will reflect the needs and circumstances of all the people of Scotland'.

Devolution of power was granted purely on the basis of nationhood. Scotland was not divided into regions even though on grounds of language, economic activity, geography and culture it certainly could have been. Neither was Wales. Devolution was granted to nations, not regions. It was as distinct and unified nations that devolution was granted to Scotland and Wales within the Union; and with that the notion of one 'British nation' was replaced in Gordon Brown's phrase by 'the nations of Britain'. That was the phrase Brown introduced when, speaking as the new Chancellor of the Exchequer, he stood before the Labour Party Conference in 1997 to make the argument for devolution for Scotland. That was precisely his argument, that being a distinct nation Scotland should have the degree of independent self-government the Scottish Constitutional Convention, of which he was the driving force, had decided was the 'settled will of the Scottish people'.

The Government's devolution programme therefore had two fundamental guiding principles: distribution of governmental power from the centre to constituent parts, and distribution on the basis of nationhood. Or, in the words of Mr Blair in his Preface: 'the decentralisation of power giving the people of Scotland and Wales more control over their own affairs within the United Kingdom'. In different degrees Scotland and Wales gained self-government within the Union by means of their own legislatures formed by separate elections.

All these changes are pregnant with significance. Step by step, before our very eyes, they are working themselves out. It is these changes and their implications that the Conservative

Party is trying to address and come to terms with when it puts forward its policy of ‘English Votes on English Matters’ (EVoEM) not just because of their impact upon the Union but also, and most specifically, because of their impact upon England.

England was completely left out of the devolution programme. Although in his Preface Tony Blair declared devolution to be a major part of what he described as a ‘comprehensive programme of constitutional reform’, his government’s commitment to it proved to be extremely limited indeed. Devolution was given to just 13.5% of the population of the island of Britain –the Scots and the Welsh. The other 86.5% -England- were left out of it entirely. Unlike the Scots and the Welsh the English people received no institution of self-government whatsoever. Unlike the Scots and the Welsh the distinct nationhood of the English people has received no political or constitutional recognition of any kind.

However, that stark imbalance was not by any means the only serious short-coming of the programme. **Scotland received preferential treatment not just in comparison with England but even in comparison with Wales.** It got its own parliament with genuine primary legislative powers over major areas of governance, while Wales got an assembly which has as yet very limited powers and responsibilities. The reason for the unequal treatment was the fact that the 1997 New Labour Government was Scottish-led. Devolution was really about Scotland. As Jim Naughtie informs us time and again in his book *The Rivals*, Gordon Brown was the engine behind the whole devolution campaign. ‘It’s Gordon’s passion,’ Naughtie quotes Tony Blair as saying in 1997. ‘So we’re doing it.’ (page

158). Wales was included in order to lend credibility to the Scottish achievement. Devolution for Scotland alone would have left it perilously exposed.

Instead Scotland now enjoys the best of both worlds. It remains firmly in the Union with its status and power within it enhanced, and with increased subsidies from the English taxpayer, yet it is independent of the rest of the Union and its government in areas of really major governance. We are not talking about minor matters. Scotland now has full self-government in the most major areas of public policy: education, health, local government, social work, housing, training, agriculture, fisheries and forestry, sport and the arts, economic development including the administration of European Structural Funds, tourism, many aspects of transport, the legal system and law and order, most civil and criminal law, prisons and the fire services, and various lesser matters.

It is not just an astonishing degree of independence within a Union which is denied to its other constituent nations; it is also one in which one of those other nations, namely England, subsidises most generously. Of the £45.3 billion spent in Scotland in 2003-4 only £34 billion was recovered in taxation. The £11.3 billion difference, which works out at £2200 per head of population in Scotland, was paid by the UK Parliament. If tax revenue from North Sea oil is excluded, namely £4.3 billion, there still would have been a £7 billion gap, which equates to a £281 surcharge on every English taxpayer. One has to hand it to Brown and co. They have pulled off the biggest and brightest coup in the Union's 300 year history.

However, they would be wise to be sensitive to the disadvantages their achievement for Scotland has caused to England and the people of England. Not only is there the gross political and constitutional injustice of the English Question and the West Lothian Question, which this paper will deal with thoroughly below. There are also the financial aspects. As we have seen, Scotland does not pay its way. Only by reason of the immensity of the grant being paid by the Exchequer out of its UK revenue to the Scottish Parliament can it afford to provide the educational, health and social benefits it now enjoys which are not being made available in England.

There are free eye tests for all regardless of age, free personal and social care for the elderly, highly specialist cancer treatments available across the whole of Scotland, free bus travel throughout Scotland and free central heating installation for pensioners, and free prescriptions for 19-25 year olds. Scottish university students do not pay either tuition fees or top-up fees which in England can be as much as £3000 a year. They don't pay them even if they are at an English university. No EU students (except the English, Welsh and Northern Irish) pay them either. English students at Scottish universities however must pay £3600 yearly in tuition fees for four-year degrees while Scottish (and EU) students pay nothing in advance and just £2000 after graduation. In addition there is the -now notorious- Barnett Formula, brought in in 1978 to check the rise of Scottish nationalism and the SNP (interestingly the same argument used with UK MPs to sell the devolution legislation of 1998). By reason of that Formula alone, each Scottish person is in receipt of at least £1300 more per head expenditure than English people (Public Expenditure Statistical Analyses 2005). The Formula's advantages over

England enjoyed by Scotland are of course enjoyed by Wales and Northern Ireland as well in varying ways, although Scotland's devolution settlement outdoes both.

The crucial point to note is that the advantages over England all three enjoy are granted, not on the basis of need but on the basis of nationhood. The sons and daughters of a Scottish laird owning rolling acres in the Lowlands living on the north side of the bridge in Coldstream pay no university top-up fees. The English student living a few yards away on the south side does. A Welsh 20 year old in the Llanthony Valley gets free prescriptions. His girlfriend in Ross has to pay for hers. And the Scottish MP of the former and the Welsh MP of the latter can vote to decide what the English Northumbrian student and the English Herefordshire girl might and might not get in such matters, whilst the English MPs for both seats have no say whatsoever over university fees in Scotland and prescriptions in Wales even when each of their tax-paying constituents are contributing a £281 surcharge to pay for the advantages the Scots and the Welsh now receive. It is very peculiar thing indeed to be 'British' nowadays. As we have said, Gordon Brown, now the self-declared leading champion of 'Britishness', and his co-patriots may have played a blinder in what they got for Scotland but they would be well advised to consider what the long-term consequences might be.

Devolution is here to stay, and so it should be. The decentralization of power is a very good thing. Yet it should not have been done as it was done, to the advantage primarily of just one of the three nations of this island. Devolution should be provided equally to each. Nothing would bind the Union of England, Scotland and Wales more strongly together. The three

nations should co-exist in a relationship of equality, each having the same relationship to the Union government. The fact is however that by intentionally denying England any political and constitutional recognition and any devolution whatsoever, Devolution 1998 has created two immense constitutional issues which are putting the Union under such strain as may in due course destroy it. They are the West Lothian Question and the English Question.

The West Lothian Question

The ‘West Lothian Question’ is so named after the constituency of Tam Dalyell the Scottish MP who kept raising the issue throughout the long campaign for Scottish devolution over at least three decades. It has two aspects, the first of which, lack of reciprocity, is well known. The MPs of Scotland and Wales, by reason of the form taken by Devolution 1998, can make laws for England in every area of its life and government. But England’s MPs are excluded from any involvement in legislation for both countries in devolved areas of government; and as we have already seen, especially in the case of Scotland, the devolved areas of government are very extensive and significant. Scottish MPs for example can vote, indeed can introduce legislation, on education and health in England; England’s MPs have no say whatsoever in such matters in Scotland. The anomaly negates the reciprocity that should exist between the constituent parts of a Union. It is constitutionally wrong, it is politically unjust, it is unfair to the English people and if not put right it will in due course undermine the stability of the Union itself. In the words of William Hague: *‘These are not theoretical problems that can be confined to pages of dusty books on the constitution. They*

are alive and well and are a ticking time-bomb under the British constitution. If we do not deal with these problems now, we could face a democratic crisis that would threaten the existence of the United Kingdom' (July 1999). It is this issue of the 1998 Devolution Settlement which the Conservative Party expressly wishes to address with its proposal of EVoEM.

However, there is a second aspect to the West Lothian Question which is at least as serious, arguably more so. It is that it negates the most basic principle of parliamentary democracy that MPs must be accountable to their electorate for how they vote. The chairman of the Liaison Committee of the Select Committee Chairman, Alan Williams MP for Swansea West, cross-examining the Prime Minister on the matter on Feb. 7th 2006 gave forcible and frank expression to the issue: 'Eventually the English voter won't put up with me coming and telling them what they can and can't do when I am not accountable for a single English vote'. He could have added that he is not accountable to his Welsh voters either if he were to speak or vote on such matters. It is power without responsibility, power without accountability.

The problem has manifested itself a number of times in the House of Commons, perhaps most notably in 2003 with the Health and Social Care (Community Health and Standards) Bill of July. Enshrined in this Bill were the sensitive measures designed to create foundation hospitals- provisions that did not apply to Scotland and Wales, and the principle of which had been explicitly rejected by both the Scottish Parliament and the National Assembly for Wales. The majority of MPs representing English seats voted against the Bill, but the measure was carried with the votes of MPs representing

Scottish and Welsh constituencies. Other examples are university top-up fees and the Government's education reforms.

The English Question

In 1998 after 291 years of its existence the Union Government decided to recognise two of its constituent parts, Scotland and Wales, as politically and constitutionally distinct nations within it and grant them differing measures of self-government. However, it did not do the same for England. The English nation has no political and constitutional existence; and it has no degree of self-government. Denial of self-government by the UK government is the English Question. England is that part of the island of Britain which alone is governed, not by itself in any matter, but in all matters by the Union Government and Parliament.

The English Question is of a nature such as could not arise outside of a Union of nations which the United Kingdom is. When the United Kingdom had one government for all its nations, there was no English Question. When in 1998 the Union decided to give political and constitutional recognition and differing measures of self-government to two of its constituent nations but no degree of self-government to the third, we had the English Question. That grant of self-government to Scotland and Wales, and potentially to Northern Ireland, but none at all to England, changed the Union. Previously, as from 1707 to 1998 the United Kingdom was the sole political and constitutional entity. The three nations of England, Scotland and Wales and the UK province of Northern Ireland were always distinct national identities in the minds of

the UK people and they had their own representation in such things as sporting fixtures but that was all. That changed in 1998. As from that year Scotland and Wales, and Northern Ireland potentially, acquired their own political and constitutional existence along with the United Kingdom because they acquired self-government. England did not. It does not govern itself in any way.

Furthermore, constitutionally and politically England does not even exist. It exists in sport, certainly. But not constitutionally and politically. In all sporting events such as the Commonwealth Games, the football, rugby and cricket world cups and all European competitions England is the one and only competing nation that has no political and constitutional existence. Even the little islands of the Isle of Man, Guernsey and Jersey which compete separately in the Commonwealth Games have their own political and constitutional existence because they have a degree of self-government and their own parliaments. Denial of self-government is what the English Question means. That simple straightforward fact is the issue. It is the fundamental flaw of the 1998 devolution settlement. It is grossly discriminatory. It constitutes an injustice to England which has to be put right.

Prior to devolution 1998 ministries had responsibility for the United Kingdom as a whole. The Secretary of State for Health was Minister for Health for the whole of the UK, and not just for a part of it. There was then no 'English Question'. There is now because the 1998 legislation introduced a radical constitutional change. When Scotland, and in part Wales, got devolved powers, their UK counterparts such as Health found that their responsibilities were for England only. Yet they

retained their places in the UK Cabinet. And the UK Prime Minister continued to appoint as the ministers who controlled and administered them MPs from UK constituencies whether or not they represented English constituencies. England is the only constituent part of the Union totally under Union government.

Even now seven years after devolution MPs who do not represent English constituencies are being appointed to what are in effect English-only ministries. Dr John Reid as Home Secretary is one such minister. The Home Office is a huge department of state, responsible for the police, the judiciary, security, immigration, prisons, passports, crime and drugs, to mention just the salient areas. The situation is that only immigration has not been devolved and remains a UK responsibility. Dr Reid's responsibilities for all the rest extend to England only and in part Wales. Yet he is MP for Hamilton North and Bellshill in Scotland. That means that he is not accountable electorally to his electorate in Hamilton North and Bellshill for some 90% of the decisions he takes and the legislation he proposes; neither is he electorally accountable to a single voter in England whom he is legislating for. Just one example out of very many, as Home Secretary he will be the minister who will decide the reorganisation of police forces in England, about which the people of England are very concerned and agitated, yet he himself will not be answerable to any single voter anywhere for any decision he makes on the matter. For all legislation and regulations in every area except immigration he has no jurisdiction whatsoever in Scotland which of course includes his own constituency. They are the sole concern of the Scottish Parliament. In a word, democratic

accountability, the very life blood of the Mother of Parliaments, has been shredded and binned.

Douglas Alexander as Minister for Transport is another such minister. A consultation process has revealed a 98% opposition to his department's plans for a huge expansion of the M6 through Staffordshire and Cheshire. Its environmental impact will be immense. It will involve concreting over great swathes of England's countryside. It will bring about an even greater increase in vehicle usage. Mr Alexander however will not have to account to a single English voter for his decision. His constituency is Paisley South. In Scotland transport matters are decided by the Scottish people themselves through their MSPs. This issue furthermore is not just one of democratic accountability. A Scot representing a Scottish constituency might not feel for the English countryside the way English men and women do.

Such Scottish ministers as Dr Reid and Mr Alexander also share in the Cabinet's collective responsibility for the government of England as a whole. Nor is that all. English legislation, unlike that devolved to Scotland, is also subject to consideration and amendment by the House of Lords, whose members include many who do not have the credentials to represent English interests. It is difficult to comprehend how Scottish MPs and Peers can find it within themselves to go on conducting themselves in this way.

This then is the second constitutional misfeasance inherent in this whole situation, namely that ministers who are MPs for constituencies which are not English are not accountable to any UK constituents for any decision which they take and any

legislation which they introduce. Their decisions relate to England only. They are not accountable to the English electorate because no English constituency returns them.

Gordon Brown as Chancellor of the Exchequer has the most significant control over funding for the provision of all services specific to England, such as health, education and transport to name just three. Yet he represents a Scottish constituency and hence is not accountable to its electors for the decisions he makes about England. It will be made even worse if he becomes the Prime Minister. Post 1998 the UK Prime Minister's legislative and governmental responsibilities in Scotland and Wales have been greatly reduced, but not of course in England. Yet Gordon Brown was the engine behind the devolution legislation of 1998. Legalistically there is nothing to stop him becoming prime minister. However, from the perspective of the fundamentals of our parliamentary system of representative democracy he should not –or not without a just resolution of the English Question and the West Lothian Question, or at least first committing himself irrevocably to their resolution.

Within the one Union, on the fundamental issue of democratic governance, there is now one rule for Scotland, yet another for Wales and a third for England. It is not right. The situation is constitutionally and politically bizarre. It is inflammatory and divisive. It demonstrates how rushed, ill-thought out and flawed the devolution legislation of 1998 was.

2. THE CONSERVATIVE PARTY POLICY

In relation to England there have been just two solutions proposed which in different ways, would uphold and operate on the two principles of devolution articulated by the 1998 legislation and which address the constitutional and political problems that have arisen. One is the Conservative Party policy of EVoEM. The other is that of the Campaign for an English Parliament which calls for an English Parliament with the same powers and executive of the Scottish Parliament.

Mention might also be made of the proposal promoted by the Office of the Deputy Prime Minister (ODPM), namely the division of England into regions each with their own assembly. It was put forward as a form of devolution even though it rejects both of the fundamental principles of the devolution legislation of 1998. It has mutated between two forms. The form it took on offer in the November 4th referendum in England's North Eastern counties in 2004 did not entail the distribution of governmental power from the centre to a constituent part. Hence it was not devolution at all. All it amounted to was nothing more than yet another round of English local government re-organisation. Many of the powers of district and city councils would have been taken from them and transferred to regional assemblies, all of which by reason of the huge populations they were being imposed upon would have made local government more remote and unrepresentative than at any time in English history; and England's historic counties, in existence for over one thousand years, would have

been abolished. The proposal also entailed even more control being transferred to Whitehall through a regime of greater financial dependency and the setting of financial targets by Whitehall. In short the proposition was not devolution. The people of England's North East gave it short shrift.

There is a second form however. It consists in replacing England as the national entity it has been from time immemorial and replacing it with nine distinct 'regions' each with the powers and status either of the Welsh Assembly or the Scottish Parliament. This negates the principle of nationhood which formed the basis of Devolution 1998 as applied to Scotland and Wales. In the graphic phrase of the economist Will Hutton it would convert England into 'a veritable witches' brew of internecine rivalries'.

The Conservative Party proposal of EVoEM however does apply both principles of devolution. Its origins lie in the very earnest internal debate the Party has engaged in since 1998. Since that date in the person of its individual members and societies it has addressed the issues with a succession of papers and speeches of great depth and seriousness. Mention can be made of the Centre for Policy Studies publication *'Federal Britain – No Longer Unthinkable'* by John Barnes (1998), the Bow Group's *'An English Parliament – A Proposal for Fairness and Transparency in a New Constitutional Settlement for Britain'* by Jocelyn Ormond (1999), Professor Lord Norton's *'Report of the Commission to Strengthen Parliament'* (2000), Mrs Theresa Gorman's *'A Parliament for England'* (1999), articles and speeches by William Hague, David Davis and others, and the bill placed very recently before the Lords by Lord Kenneth Baker which however in addition to calling

for EVoEM envisages its development into an English Parliament.

Regrettably, as far as can be ascertained, it was not until March 2005 that a document of equal depth, erudition and significance was produced within the Labour Party when David Blunkett' delivered his lecture to the Institute for Public Policy Research entitled 'A New England. An English Identity within Britain'. In it, after describing and endorsing the astonishing increase since 1998 in the awareness of the English people of themselves as a distinct nation and of the sense of Englishness, he asked the very significant question, one his Party should have asked when it first embarked on its devolution policy: 'How should Englishness be expressed in Political Terms?'

The Liberal Democrat Party has been engaged over the past twelve months in a review of its devolution policy and its outcome is awaited. Lord David Steel, furthermore, has chaired a commission of immense importance which deals with the future of devolution in Scotland. Its report has recommended that Scotland should move forwards towards federalism, specifically fiscal federalism, and has taken the very significant step of proposing that the Scottish Executive should change its name to the Scottish Government. Devolution 1998 has certainly sown seeds of portentous possibilities.

In its Manifesto for the General Election 2005 the Conservative Party stated:

Now that exclusively Scottish matters are decided by the Scottish Parliament in Edinburgh, exclusively English matters should be decided in Westminster without the votes of MPs

sitting for Scottish constituencies who are not accountable to English voters. We will act to ensure that English laws are decided by English votes.

The Party envisages a procedural device being introduced into the House of Commons (but not into the House of Lords) whereby all British MPs whose constituencies are not in England would be barred from debating and voting on any piece of legislation which concerns England only. Presumably they would be expected to leave the Chamber or if they remained not to participate in any way. The Conservative Party leader, David Cameron, expressed his views on the policy during the recent Conservative Party leadership contest:

At the last election, the Conservative Party put forward the proposal that there should be English votes on English matters in the UK Parliament – thereby turning the UK Parliament effectively into an English Parliament for these purposes. I believe that this is a necessary change.

Because the UK Government becomes an English Executive in relation to the administration of English affairs (e.g. the administration of schools in England), I do not see any need for a separate English Executive.

The policy has distinct merits. It takes the issue of devolution for England forward in that, if it were at all practicable, it would provide England with a degree of self-government, and in that respect it addresses the English Question. It is also recognition by the Conservative Party that England exists as a distinct nation, something of immense importance in this whole debate for the reason that in 1998 devolution was based on

nationhood, namely that of Scotland and Wales. It also aims to provide devolution for England without extra cost to the taxpayer. Linked with this policy is the Party's opposition to the break-up of England into "UK Regions". The policy stands in marked contrast to the ostrich-head-in-the-sand Labour Party view expressed in the 1999 statement of the former Labour Lord Chancellor, Lord Irvine: *'The best thing to do about the West Lothian Question is to not to ask it'*. EVoEM both addresses the question and sets out to answer it.

However this Conservative policy, whatever its merits, does not solve all the problems and will create others. In summary, it will be seen not to work; it will produce confusion and division in the Commons, possibly even deadlock; it cannot solve the wider 'English Question' about who governs England; it will undermine the Union by undermining its parliament; and its contention that the UK Government can provide an English Executive will not stand up to scrutiny. These defects need to be spelt out in more detail.

3. DEFECTS OF THE POLICY

EVoEM will not work

EVoVM has two practical difficulties. The first is deciding which MPs will be entitled to vote on which bills. A good example is with the above mentioned Health and Social Care (Community Health and Standards) Bill of 2003. The technical ‘extent’ of the Bill applied to England and Wales (although Part 1 of the bill covering foundation hospitals did not apply to Wales). However, Part 3 of the Bill (concerning recovery of NHS costs where a third party pays compensation to the person receiving treatment) was subject to a ‘Sewel motion’ whereby the Scottish Parliament demonstrates its agreement to Westminster legislating on a devolved matter. It would have been completely wrong to deny Scottish and Welsh MPs the chance to vote on this Bill, as it clearly affected their constituents. However, the Bill had measures which applied only to England. It is an example of how theoretically the proposal EVoEM might first appear to be a simple and effective solution, but in practice it will face such serious difficulties and complications as would seem impossible to resolve.

The second practical difficulty is deciding which constituents will be affected by any particular bill. While a bill may technically only apply to England, it may also affect other parts of the UK. This was the argument put forward by the Scottish National Party. The SNP originally declared its members would abstain in voting on legislation relating only to England, but with the first reading of the Health and Social Care (Community Health and Standards) Bill they argued that Scottish members were entitled to participate, as funding decisions with respect to English health service would have a knock-on effect under the Barnett Formula. Scottish and Welsh MPs also argue that constituents living near the border and who made use of English services would also be affected. Interestingly these MPs have not advanced the same argument to enable English MPs whose constituents live near the borders and who might make use of Scottish and Welsh services to participate in the legislative process of the Scottish Parliament and Welsh Assembly.

EVoEM might politicise of the Office of the Speaker

It is likely that it will be the Speaker who will have the difficult and unenviable task of deciding which MPs can or cannot vote on which legislation. Indeed, in the bill proposed in favour of devolution for England by Lord Baker, which is before Parliament at this moment, the Speaker will be required to issue certificates on bills to this effect. All legislation is party political and for the Speaker to have to decide which MPs vote on which piece of legislation is bound to bring him or her into

conflict with party whips. This responsibility will politicise his Office against centuries of Commons tradition.

EVoEM will not adequately address either the West Lothian Question or the English Question but will in fact bring UK government into a state of confusion and ridicule and possible chaos.

Parliament votes mainly on bills formulated and administered by Ministers of the United Kingdom Government, which is of course elected by the UK as a whole and may have Ministers who do not represent English constituencies. The Conservative Party does not intend to apply EVoEM to this important, indeed crucial, aspect of the legislation process. It does not intend to extend the limitation it would place on who votes on English matters to those MPs who might frame legislation on English matters. Consequently the situation would arise under EVoEM, which would expose it to ridicule, whereby a UK Minister could propose legislation for England while not being able to speak on it or vote for it.

Further to this, should a general election produce a government that has a majority across the UK as a whole but not a majority in England (as occurred in 1964), then the government would find it very difficult to pass legislation on matters only affecting England. This problem would in effect bring the Commons into a state of deadlock, even chaos. Any UK government which cannot legislate for 84% of the Union population is a lame duck. Such a governmental system simply will not work.

Proposed legislation for England must also be endorsed by the cabinet. A cabinet will generally include ministers who may represent non-English seats, not just the Secretaries of State for Scotland, Wales and Northern Ireland, but also those who are ministers for departments of state which are not devolved. EVoEM will not be applied by the Conservative Party to Cabinet proceedings. A recent example is the Defence Secretary, Dr. John Reid, who represents a Scottish constituency, who was at one stage able to amend the proposals of the Health Secretary about smoking in England. The opportunity for ridicule and chaos is compounded when as in this case a Cabinet minister would be able to influence what legislation goes before the House but not to speak to the matter or vote on it.

What's more, EVoEM cannot logically and fairly be introduced just in the Commons as is envisaged by the Conservative Party. Any legislation passed by such a procedure would still be subject to amendment and approval of the House of Lords, which contains members from across the UK. There would have to be a much wider programme of constitutional reform. A contrast might be made with the Scottish Parliament. Its legislation does not pass to the House of Lords, another example of the inconsistent way constituent parts of the United Kingdom are governed.

EVoEM can never be an adequate forum for the people of England or an effective champion of their concerns.

There are two statements in the Welsh and Scottish devolution White Papers which must be revisited. "The Assembly will be

the forum for the nation, able to debate all matters of concern for Wales” 1.15. “The Scottish parliament will reflect the needs and circumstances of all the people of Scotland” (Foreword by Donald Dewar Secretary of State). One can only marvel at how effective in such a short time both bodies have become in achieving what their patriotic creators want from them. They have, variously, introduced a range of benefits, as we have described, which the UK government isn’t even prepared to consider for England. Furthermore, both Scotland and Wales, and especially Scotland, have benefited in addition from the largess of the Exchequer as well of course from the Barnett Formula which distributes extra spending without any reference to need. In sharp contrast England has no such voice, no such instrument, no such gathering to reflect and debate the needs, the concerns and the circumstances consciously and specifically of the people of England. There is no political institution, not even a Secretary of State for England, to articulate the people of England’s concerns. England is not regarded and dealt with as Scotland and Wales are regarded and dealt with, as a distinct nation. It is still being confused with the UK itself. It has its own flag, yes; and a team in every sport. It is a country and nation with a distinctive cultural history admired the world over. It is the oldest unified nation in Europe. It is the very womb of parliamentary democracy. But it is without any political and constitutional existence whatsoever.

EVoEM is not intended to initiate legislation but only to vote on it. It will not provide anything for the people of England comparable with the dedicated forum and advocate for the concerns of the English people that the Scottish Parliament and the Welsh Assembly are for Scotland and Wales. And that is

the reason for their astonishing achievements in the short time they have been established. Their minds are on Scotland and Wales. They are not distracted by issues of defence, foreign affairs, national security, national and international fiscal, economic and monetary systems, EU markets for UK goods and services, employment law and social security and much else besides. They are dedicated parliaments. They are concerned with the domestic welfare of their people. In no way can EVoEM hope to emulate such achievements. In the incisive phrase of the Welsh Devolution Overview the Welsh Assembly and the Scottish Parliament are each a forum for the concerns of their nation. That is what is being denied to England. One can only wonder how the 529 members from England's constituencies continue to put up with the situation so meekly.

EVoEM will not give England its own representation within the European Union.

The Scottish Parliament and Welsh Assembly give to Scotland and Wales their own representation in the European Union. They provide their own distinctive voice in the UK's dealings in Brussels. They are party to the flow of information from the EU, they help to shape UK-EU policy, have access at most of the points of decision such as ad hoc Whitehall groupings and through their respective Secretaries of State have a further channel available to affect policy-making in Whitehall.

England in contrast is not even recognised by the EU. The EU, supported by the present UK government, would have England removed, to be substituted by UK regions. The first map of the enlarged EU left England out altogether, just printing the

names and boundaries of Scotland and Wales and the nine EU regions that replaced England. Brussels defended the map with the reason that it was just going along with what the UK (Labour) government had stated it wanted. Only the strenuous objections, not of the UK Government or Parliament, but of English people concerned about having their country, the oldest unified nation state in Europe, abolished by a stroke of printer's ink, forced Brussels to restore the name of England to the map. It was then superimposed across the Government's regional boundaries.

England qua England has no institution which is part of the European information network and can be drawn into the formal shaping of policy. There is of course an 'English regional' presence of some vague and uncertain efficacy in Brussels which corresponds to the present Government's perspective on England which is that, unlike Scotland and Wales, it isn't a nation but a conglomeration of regions. This Government's policy of divide and rule when it comes to England is all-pervasive. It permeates all its structures of government from fire-fighting to health to broadcasting to education to policing to local government organisation to mention but six. In the councils of the Europe the concerns of England as a distinct nation are not put forward. EVoEM does not address this injustice.

The extent of the disadvantage this situation puts English people in is well illustrated by the debacle of the payment to English farmers of EU subsidies. Payment of these subsidies is the responsibility of the Rural Payments Agency which is part of the Department of the Environment, Food and Rural Affairs which is a department of the UK state. While farmers in

Scotland and Wales, even those in Poland, have received their payments without a hitch months ago, English farmers are still waiting for payments owing since 2005, leaving them to find an estimated £10 million per month in extra interest payments on debts to cover bills. Under Mrs Margaret Beckett, now transferred to the Foreign Office without this matter even approaching settlement, farmers found themselves victims of incompetence that matches anything witnessed at the Home Office with the release of foreign prisoners. The reason is that English affairs do not get direct representation in Brussels but instead are lost and buried in the welter of issues confronting the UK state.

The Threat to the Union of the Policy of_EVoEM

EVoEM contains the seeds of the break-up of the Union. It will introduce into the House of Commons an essentially divisive, indeed destructive, element which does not exist at present. Members of the House of Commons are elected to represent their constituencies in the UK Parliament. Though they are elected on party lines, they are all Members of the UK Parliament. No one is a Member of Parliament by reason of being English or Welsh or Scottish or Northern Irish. They represent the constituencies that elected them, not the country the constituency is in. That is not the case with the Scottish Parliament and Welsh Assembly as those titles make explicit. As we have seen already, they specifically exist to promote the welfare, the concerns and the needs of the Scottish and Welsh people.

The Union Parliament however is the Union Parliament. EVoEM would turn it into something else: a part time Union Parliament and a part time English Parliament –as indeed, as we have seen, the Leader of the Conservative Party David Cameron has himself stated. If, as this policy intends, Scottish, Welsh and Northern Irish MPs are excluded from the House while English MPs vote on English matters, the House, however long or short such a session takes and whenever it occurs, ceases to be a UK Parliament. The House can only be British when all British MPs “from the four corners of the land meeting on equal terms and with equal rights” (D. Cairns MP. Parliamentary Under-Secretary of State for Scotland. The House Magazine. Feb.13th 2006. page 20).can participate in its proceedings. MPs cannot be sent there under two mandates. They are there to serve the United Kingdom.

EVoEM subverts the very meaning of a United Kingdom and its Parliament. If the majority of MPs, which English MPs are, are returned under two mandates –to serve the Union and to serve England- the very role of the Union Parliament has been subverted. Subvert a nation’s parliament and you subvert the nation itself. The whole notion of a Union of nations is that at the very least its institution or instrument of government transcends national differences. If they are not transcended there, basically there is no Union. The European Parliament is not a parliament of nations but of European constituencies. Nations within the EU have their own parliaments for their own national affairs. Scotland and Wales have their own parliament/assembly for their own national affairs. EVoEM will sap the very purpose of the Union Parliament. It will pit Union MPs against each other within the one parliament on the basis of nationality.

EVoEM is a recipe for disunion, a strategy for disaster. It has not been thought through, just as in 1997-98 devolution itself was not thought through. In 1997-98 a Scottish-led Labour government rushed it through without first drawing up a comprehensive Union-wide programme of devolution. Now the Conservative Party is massing itself behind a superficial, inadequate and flawed stop-gap solution to the glaring injustice Devolution 1998 has inflicted upon England. What the Conservative Party is failing to do is to realise that the ends are in the means. If the means it employs are divisive, the end result will be division. A house divided against itself will not stand. It will be one of history's choicest ironies if it is a policy of the Conservative and Unionist Party that brings about the dissolution of the Union.

For supporters of the Union the way forward is not to exclude any Union MPs from full participation in the business of the UK Parliament. Rather it is to accept that just as the UK Parliament no longer deals with domestic Scottish and Welsh matters because they are now the business of the separately elected Scottish Parliament and the Welsh Assembly located elsewhere, so should the same English matters be dealt with. For the UK Parliament to remain a UK Parliament it must be a UK institution in all its procedures.

The Members of the Scottish Parliament have already taken from Scottish Westminster MPs at least 50% of the responsibilities they had for their constituents before devolution. However, though Scottish Westminster MPs are now in fact seriously under-employed, they still continue to draw the full salary. The situation with Welsh MPs is similar

though not so dramatic. If EVoEM were introduced, we would be looking at a very serious, indeed even farcical, situation indeed, one which would put a big question mark against the right of Scottish MPs to be paid anything more than even a fraction of the standard MP's salary. For the very obvious reasons that in addition to having had at least half of their constituency responsibilities removed from them already, they would now have no role at all in English matters which take up possibly as much as 80% of parliamentary business. It is hard to conceive of a solution to the West Lothian Question which could do more damage to the reputation of the Union Parliament.

If English matters were the business of a separate English Parliament as in Scotland and Wales, the Union Parliament and its Ministers would have more time to concentrate on important international, European, economic, defence and Union matters that are vital to the whole UK. Every MP would have a complete interest in the subjects under consideration; and the Union will be all the better for it.

There is nothing to stop EVoEM being undone

Should a party supporting the proposal of EVoEM be elected to govern the UK and use their majority to enforce such a change in parliamentary procedure, any future political party that gains power could simply reverse the procedure. The government of England will then become a political football of the crudest kind between the parties, the situation being made even worse if one or other of the parties relied on non-English votes for its majority. There would therefore be continuing controversy about the unfair way in which England is governed leading to

the risk of extreme reactions that could further endanger the Union.

EVoEM will not provide England with its own Executive.

It is necessary to understand what is meant by an Executive. Executive is Government. The word ‘Government’ was not used at present for the Scottish Executive for fear it could imply independence. For the same reason the head of the Scottish Executive is called First Minister and not Prime Minister even though the two mean the same thing.

The model is the power and responsibilities of the Scottish Executive as laid out in the Scotland Act. That Executive exercises responsibility for the carrying out of the decisions and legislation made by the Scottish Parliament in relation to health, transport, education, social services, planning, etc. The relationship between them is similar to the relationship between the UK Parliament and the UK Government. The English Executive would consist of a First Minister and a team of ministers including Law Officers. The statutory powers and duties exercised by Ministers of the Crown in England in relation to devolved matters would be transferred to Ministers of the English Executive. The responsibilities of the Executive would take in administration in England of the European Structural Funds, powers and duties in relation to electricity supply and civil nuclear emergency planning; the determination of certain public sector pension schemes, oversight of all English passenger railway services, of freight facilities, of the administration of the National Lottery, casino areas, gaming hours and certain licence fees in England; for the

appointment of JPs and General Commissioners of Income Tax, and some Crown, Church and ceremonial duties.

This is what devolution on the model of the 1998 programme entails as granted to Scotland. It is both the commonsense and the logical constitutional outcome and requirement of EVoEM. Yet, as we have seen, it is not what the Conservative Party wants for England. The Party would leave the execution of the laws it votes on, which concern England only, to a government whose ministers, even whose Prime Minister, if they do not hold English seats, have been excluded from both debating and voting on those laws. It just does not make sense. It just will not work. It just cannot be expected of ministers to implement measures which they were allowed to formulate but which they were prevented from speaking to, debating and voting on in the House and possibly even prevented from dealing with amendments in both the House and Committees. One shudders to think of the chaos and ridicule that will result. What Scottish or Welsh UK Prime Minister or Minister worth their salt would ever tolerate such a situation?

In conclusion, EVoEM does not address the West Lothian Question adequately; and it barely addresses the English Question for the reason it will not provide England with self-government. And because it does not grant self-government, it does not grant England the constitutional and political existence within the Union which Devolution 1998 gave to Scotland and is initiating in Wales. The injustice remains. The Union stays unbalanced. England without its own Executive will find itself lost and scattered, as it is now, within the immensity of the British legislative process and the Westminster civil service. It is no solution. The Conservative

Party would do well to bear in mind the warning of its former leader William Hague: *'If we have learned anything from the experience in Scotland over the last two decades, then we must provide English consciousness with a legitimate political outlet. Try to ignore this English consciousness, or bottle it up, and it could turn into a more dangerous English nationalism that could threaten the future of the United Kingdom. Recognise its value and it can actually strengthen our common British heritage'* (July 1999)

4. THE WAY FORWARD

The proposal of EVoEM will not work, and worse, could have very destructive outcomes. Nonetheless, the issues it is trying to address must be resolved. It is inadequate of any critique just to be negative. It must be positive. There has to be, and there is, a way forward.

EV0EM must be given its due. It is an acknowledgement by one of the three major political parties that England is a distinct nation and constitutionally therefore, given the two principles of Devolution 1998 it should have self-government in some form and to some extent. That is not just an historic policy decision; it is also a very brave and realistic one coming from the party most devoted to the preservation of the Union. It is evidence that it is a party that is prepared to think outside of its own safe boundaries. However, in comparison with the Scottish Parliament and even the Welsh Assembly EVoEM is inadequate, unfair and impractical as well as divisive and possibly even destructive. It might well be that on this issue, like the cat which Lady Macbeth spoke about which wanted the fish in the gold fish bowl but didn't want to get its feet wet, the Conservative Party is behaving with some timidity. Rightly it wants EVoEM. However, it seems it can only bring itself to commit to what can at best be described as interim measures.

If the Conservative and Unionist Party really wants to maintain the Union, which of course it does, then the last thing it should do is adopt a policy which could render it asunder. And if that means that the specific interests and concerns of the nations that make up the Union must be given consideration, debate and legislation in separate institutions established by a separate election of their membership, as indeed now they should given that there is a Scottish Parliament and a Welsh Assembly, then that is what the Conservative and Unionist Party should begin to consider. If it wants EVoEM, which it does, and rightly so, then precisely as the Scots and the Welsh have it, it will have to be in an English Parliament separate from the Union Parliament and elected by separate election. .

The Union has changed and changed for good. Devolution within the Union on the basis of distinct nations is a fact of life. The tide of history cannot be reversed. The clock cannot be turned back. Devolution cannot be abolished. The two principles on which it is founded constitute a very sound and sensible way in which to run a state which is a union of nations, which both factually and legalistically is precisely what the United Kingdom is. Those two principles, the genuine distribution of real power from the centre to constituent parts and that distribution being based on nationhood, now require application to the English nation.

The advantages for the Union will be immense. If English matters were the business of a separate English Parliament as in Scotland and Wales, the British Parliament would then have more time to concentrate on the important national and international matters that are genuinely British matters because they concern the whole of the UK, namely the issues that are

reserved to it. Every Union MP would then have an undivided interest in the subjects under consideration. Ministers would have greater time to devote to issues affecting the destiny of the United Kingdom and preserving its interests internationally. It is quite strange of the Conservative Party to think that the Parliament of a Union of 60 million people dealing with such huge issues as defence, foreign affairs, international trade, taxation, internal defence against terrorism and immigration can be part time. The new Union Parliament would require a smaller but much more focussed and dedicated membership with the devolved affairs of the constituent nations being dealt separately by the legislative institutions of those nations. Courage, common sense and vision are now required. No political party of the historic stature of the Conservative Party should fossilise itself through an attachment to a bygone age. It must be open to change within a changed Union.

The resolution of all these issues lies with a two tier United Kingdom legislative system. The Union Parliament will be one tier. The other will be the parliaments of each of the three historic nations of the island of Britain and an assembly for the province of those six of the eight counties of the Irish province of Ulster which are part of the UK. The relationship of the three national parliaments and the six counties assembly to the Union Parliament can take two forms. It can be the same as presently enjoyed by the Scottish Parliament and the Welsh Assembly, namely a relationship of ‘permissive autonomy’ (Alan Trench. *The Dynamics of Devolution. The State of the Nations.* 2000. page.138). In this relationship, which is our tradition, the UK Parliament is legally empowered not just to strike out any act of legislation of a devolved body but also to abolish the devolved body itself. Our tradition is that

Parliament is supreme. The 1998 devolution legislation has not changed that in any way. It might be said to be a uniquely British system of democratic government. The alternative is the federal relationship which would involve a written constitution for the United Kingdom that would legally enshrine the powers of the nations and the province that form the United Kingdom. Either constitutes genuine devolution.

There can be no question that devolution to England on the same principles as devolution to Scotland and Wales, namely its own parliament, will require vision and commitment. However, the devolution legislation of 1998 contained the germ of a very new and very democratic vision of what Britain can be. Historically Britain has been a very centralised state. Power has been excessively centralised for many centuries in London, so much so that since the Act of Union none of the three historic nations of this island effectively had any degree of self-government at all. For 291 years not one of them even had any political and constitutional existence whatsoever. It has been a very unnatural state of affairs. It has been a version of a Union which brooked no challenges to centralised power, when decentralisation could have been a vibrant catalyst for political and cultural innovation. It might have seemed all right in an age of Empire expansion and recurring wars. It is now out of date. There is now a political and cultural vibrancy in this island that demands change. There is a throbbing awareness of distinct national identities rooted in our history which is irresistibly insisting on their own political expression. It is a new form of Unionism we are encountering. It should not be opposed or suppressed. It is no threat. It should be embraced.

Its enactment should be achieved with commonsense. No one wants more government. No one wants more politicians. No one wants to spend any more money on either. Unfortunately the devolution programme of 1998 took a form which carefully avoided anything that disturbed, even threatened to disturb, the existing salaries and ministerial prospects of UK MPs in any way whatsoever. Otherwise it is likely it wouldn't have got through so smoothly, if at all. The parliamentary payroll paid for by the taxpayer was added to by 129 Members of the Scottish Parliament and 60 Members of the Welsh Assembly in the form of salaries, expenses and paid assistants. Yet, even though the MSPs took over the responsibilities of the Secretaries of State for both Scotland and Wales, both Offices were retained as were their place in the Cabinet, and with them their salaries. Likewise the range of Government portfolios available to MPs was retained in full. The devolution proposals made by the Scottish Constitutional Convention and implemented in 1998 were designed to preserve the career prospects of its country's MPs at Westminster and Scotland's ability to legislate in English matters. They were designed both to transfer as much power over Scotland back to Scotland as was feasible with remaining within the Union and to maintain its power and influence within the Union to the maximum. The Members of the Scottish Parliament took over the majority percentage of the constituency duties of the Scottish Members of the UK Parliament, yet the salaries of the latter were likewise retained in full. As the responsibilities of the Members of the Welsh Assembly are not as extensive, the issue for Welsh MPs is not as serious, but it is there.

There is no way this can be repeated when England gets its own parliament. Probably Scotland and Wales got away with it

because they make up only 13.5% of the UK population, but with England being 84% it simply will not be tolerated. Neither is it at all necessary. Devolution does not increase the size of the population. The collective number of MPs, Union and English Parliament, must not be increased unless there is a clear and defensible benefit in it for the paying electorate. The cost of government must not be determined by the pockets of the people who govern us. There therefore should be no need to increase the amount of parliamentary representation, the number of politicians or cost of government. That should be the iron law of all devolution, or at the very least the aspiration and the ideal. The public which foots the bill will not put up with anything else.

There is one standard objection made by those who oppose devolution to England. It is that of the size of England's population. The Constitution Unit expresses it as follows:

An English Parliament would appear to be a neat solution to the fundamental asymmetry in the devolution arrangements. It would create a federation of the four historic nations of the UK. The fundamental difficulty is the sheer size of England in comparison with the rest of the UK. England with four fifths of the population will be hugely dominant. On most domestic matters the English Parliament will be more important than the Westminster parliament. No federation has operated successfully where one of the units is dominant". ('The English Question' 2006. chap.11. R. Hazell p.224).

The objection is twofold, that within a devolved UK England with its own parliament would be dominant, and on domestic

matters, matters an English Parliament would be more important than the Union Parliament.

The reply to both objections is straightforward. Ever since the start of the Union three hundred years ago England for the very reason the objectors provide has always been ‘hugely dominant’. That demographically, economically and geographically is what England is within the Union, yet the Union has been very successful. One can only wonder why it should become a problem now. As for an English Parliament being more important than Westminster on most domestic matters, well that is precisely what devolution intends. That is what devolution is about. It is called the principle of subsidiarity. It is precisely the situation in the devolved Scotland. Mr Blair and Mr Dewar spelt all that out very clearly in their preambles to the devolution white papers. Curiously, the Constitution Unit does not appear to have grasped what is after all the very point of devolution, namely self-government where domestic matters are concerned.

There are two other errors in this Constitution Unit statement which are relevant to the issue before us. It refers to ‘four historic nations’. However, there are only three in the UK: England, Scotland and Wales. The six counties of Northern Ireland which are within the UK do not constitute a nation. They are not even a province. The Irish province of Ulster consists of eight counties, two of which are in the Republic. And the 45% of the six counties who are Catholic consider themselves to be part of the Irish nation. Secondly, English devolution need not necessitate a federal system. As has already been pointed out, an English Parliament would just as easily exist within the devolution system of ‘permissive

autonomy' as do the Scottish Parliament and the Welsh Assembly at present. Permissive autonomy in fact is our tradition (cf A. Trench. Op.cit.) An English Parliament established on the same principles of the Scottish Parliament will constitutionally and legally have powers and responsibilities as decided by the Union Parliament, restricted to matters internal to England precisely as those of the Scottish Parliament are restricted to matters internal to Scotland. The supremacy of the Union Parliament over its constituent parts remains, established in law and unchallengeable in law; and its remit will be precisely as it itself has already been decided for Scotland, namely those matters which affect the welfare and security of the population of the Union as a whole.

England is what England is. It is the size it was at the Act of Union. England has always been dominant in the Union. It cannot be anything else. The Union of 1707 was then what it is now, a union of nations, one of which was then and is now four fifths of the Union population; and therefore England has always been 'hugely dominant'; and that fact has not stopped the Union being a success for the past three hundred years. England is 60% + of the landmass and 84% of the population whichever way anyone twists, turns, interprets and spins the Union. England's dominance in terms of population has never before been put up as a constitutional problem. It is difficult not to conclude that it is now being made an issue of in order to oppose devolution being granted to England.

The Scottish people are in the Union by choice. In their judgement union with their more populous partner has been well worth it. The English people run a very open society. They have made their politics, their media, their financial

institutions, their public services and every single one of their commercial institutions available to all-comers on the basis of talent. England has always opened all its doors to people seeking work and opportunities from Scotland, Wales and Ireland, and in recent years from plenty of other countries too. England's wealth, institutions and achievements have always been open to all citizens of the Union. England's size is historically and constitutionally of the very nature of the Union Parliament at Westminster. That is what the Union is.

However, there is another aspect to this objection it which needs to be considered. There is the possible implication that England with its own parliament will be able to exercise more power either over or than the other constituent nations of the Union. However, the reality will be that the very opposite will be the outcome. It will indeed be the establishment of an English Parliament, its powers constitutionally restricted to domestic English matters, which will reduce even further any possibility of English dominance within the Union. England will not be able to interfere in the internal affairs of Scotland and Wales. Their internal affairs will be constitutionally reserved solely to the jurisdiction of their own parliaments without fear of interference not just by England but also by the Union Parliament itself. The outcome will be a very balanced, stable and harmonious Union.

5. CONCLUSION

The time has finally come for the distinct voice of the people of England to be heard. The voice of the people of Scotland resounded in its Scottish Constitutional Convention and it was listened to. Its voice now rings out clearly and independently

through the instrument of its own Parliament. The voice of Wales is now heard loud and clear in the instrument of its Assembly. It has made the declaration that its Assembly is the Forum for all the concerns of the Welsh nation. Yet England has no such voice, it knows no such existence, its distinct historic identity has been submerged within that of Britishness; and large sections of the British political and academic Establishment are united in their antagonism to England being recognised for what it historically is, the oldest unified nation in Europe, intellectually and culturally among its most vibrant and successful, and being given the political recognition they have been willing, indeed eager, to give to Scotland and Wales.

That is the context of this critique of the Conservative Party's policy of EVoEM. It has addressed itself to the question whether or not the policy best serves the interests both of England and the Union. With rigour and objectivity it has considered both the strengths and the disadvantages of the policy in relation to England and the Union, and indeed to Scotland and Wales as well. It has concluded that the policy will not serve either England or the Union in the context of the devolved UK that now exists; that it will not resolve the West Lothian Question and the English Question; that it will in fact exacerbate the grievous problems created by the rushed and ill-thought-out devolution legislation of 1998; and that it will create new problems of even greater seriousness, not least by threatening to bring the Union Parliament into a state of division and possible deadlock.

The critique has gone further. It is positive in its recommendations. It proposes that it will be the establishment of an English Parliament that will achieve for the Union and

for England the objectives which EVoEM aspires to address. An English Parliament definitively resolves both the West Lothian Question and the English Question while at the same time it will not only maintain the Union but in fact will renew it, strengthen it and make it relevant in our post 1998 devolution era. It will secure an harmonious and equal relationship of the Union's nations and province to each other and to its Parliament. It will satisfy the requirement that all members of the British Parliament maintain full equality with each other. It provides in other words a sensible and workable form for the policy of EVoEM to take. England will have the same degree of self government as Scotland. And then, as night follows day, indeed if not before, the Welsh Assembly will become a Welsh Parliament. We are on the very cusp of a new Union, different from the old as our times now require; but equally strong and vibrant.

However, such an achievement requires general consent. That will require everyone who is concerned to promote the welfare of England to come together in a similar way to that in which the people of Scotland laid the foundations for a Scottish Parliament, namely their Scottish Constitutional Convention. England now needs its own English Constitutional Convention on which will serve the representatives of all political parties, churches and other religious bodies, employers' associations, trade unions, think-tanks and academic associations, women's organisations and other interest groups and civic bodies.

This is a matter of urgency. The present government and a large section of the cultural and academic UK Establishment are strongly opposed to any form of devolution for England as a nation despite granting devolution to both Scotland and

Wales on the basis of their distinct nationhood. There is a deep-rooted mindset of hostility to England in many quarters. It is a mindset that is set instead on a policy of the elimination of England by its division into regions, a policy they are attempting to pass off as devolution. The government is disregarding the outcome of the November 4th 2004 referendum in England's North East. It is proceeding to extend the powers and responsibilities of unelected regional assemblies. *'England will get regional government whether it votes for it or not'* (Trench *ibid.* p.267). Its policy is to abolish England's ancient counties, which are part and parcel of English identity, culture and history and the oldest form of local government in Europe, and substitute regional assemblies. However, the form English devolution should take should be decided by the people of England, just as the form Scottish devolution took was decided by the people of Scotland. Devolution for England should not be prevented by any one Union government; neither should the form it takes be prescribed by any one political party in its own interests.

England is just at the beginning of the process of working out the devolution it wants to have. There are immensely important issues an English Constitutional Convention needs to address and decide. All the issues addressed in this document will doubtless be visited and re-visited. There is the question of :the location of an English Parliament, its Executive and its Civil Service, possibly even its Judiciary; the size both of an English Parliament and of the Union Parliament; what form elections should take such as PR as in the case of the Scottish Parliament and the Welsh Assembly; what form local government in England will take, be it the counties, or regional assemblies or unitary local councils; how much power can be devolved to

them in the interests of a revival of local democracy and local identities, cultures and traditions. With open-mindedness and commitment, learning from what has been experienced and achieved by our fellow citizens in Scotland and Wales, cooperating fully with all UK ministries, the democratic prospects and possibilities are exciting and immense.

The great English mystic, artist, poet and writer William Blake etched a line into one of his engravings: 'Liberty shall stand upon the cliffs of Albion'. That must be our goal.

Brief Statement on the back inside page of booklet:

The Campaign for an English Parliament maintains a website at: www.thecep.org.uk on which all details about its structure, its Officers, its National Council, its branches, its objectives, its publications and merchandise and its activities can be found. It is a company registered with Companies House no.3636739. Its registered address for correspondence is Box 125, 61 Great Underbank, Stockport, SK1 1LE. It can be contacted by telephone on 07071 220234. It is not affiliated to any political party although it seeks to influence all political parties in order to bring about a democratic solution to the problem of the government of England, and it welcomes everyone to its membership whether they belong to a party or not. It defines 'the people of England' as all who are on the electoral rolls in England and it welcomes everyone for whom England is their home and their future irrespective of their ethnicity, their origins, their religion and their political beliefs. Its goal is devolution for England in the form of an English Parliament and Executive in the interests of everyone who lives in England.