

THE ACCOMMODATION OF MINORITY NATIONALISM IN MULTINATION STATES: AN APPRAISAL OF SCOTLAND AND DEVOLUTION

Gary CHAMBERS*

ABSTRACT

Once it was created, the European nation-state invariably contained significant minorities often incorporated against their will. Arguably, the 1707 Union with England allowed the Scottish people as a whole to benefit from membership of a larger developed area. In the late twentieth century globalised world, though, the ‘imperial and welfare’ appeal of the British state started to weaken, leading to strong demands for constitutional change. Following the election of a Labour government in 1997 Scotland gained a Parliament with devolved powers which included the right to enact laws and control a budget. The article argues that devolution appears to be the upper limit of what many Scottish people wish to see in constitutional terms and that the implementation of devolution, while requiring improvements, does not seem to serve as a staging post for secessionism or currently endanger the territorial integrity of the United Kingdom.

Keywords: *Scotland, Devolution, Globalisation.*

ÖZET

Kurulduğundan bu yana, Avrupa ulus-devleti her zaman isteklerine karşı sık sık birleşmiş önemli azınlıkları bünyesinde bulundurmıştır. Tartışmalı bir şekilde, 1707 yılında İngiltere ile olan birleşme, İskoçların daha geniş ve gelişmiş bir alandan yararlanmalarına olanak sağlamıştır. Ancak yirminci yüzyılın küreselleşmiş dünyasında, İngiliz devletinin “görkemli ve huzurlu” cazibesi zayıflamıştır ve bu, çok güçlü yapısal değişimlere yol açmıştır. 1997 yılında İşçi Partisi’nin iktidara gelmesinin ardından İskoçya, kanun çıkarma ve bütçe kontrolü gibi devredilmiş güçlerin bulunduğu bir meclis elde etmiştir. Makale, İskoçların görmek istediği yapısal koşullarda gerilemenin en üst düzeyde olduğunu ve düzeltilmesi gerekmesine rağmen, gerilemenin gerçekleşmesinin, ayrılıkçılığa ışık tutmadığını veya Birleşik Krallığın şu anki bölgesel bütünlüğünü tehlike altına sokmadığını tartışmaktadır.

Anahtar Kelimeler: *İskoçya, Bir Bölgeye Merkezi Hükümetten Güç Aktarımı veya Yetki Devri, Küreselleşme.*

* Dr., Marmara Üniversitesi, Atatürk Eğitim Fakültesi
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Introduction

Multi-nation states are in crisis across the world (Kymlicka 2001, p. 91). Kymlicka (1991, p. 92) notes that secessionist movements have appeared “...*in both capitalist and Communist countries, in both democracies and military dictatorships, in both prosperous and impoverished countries...*”. The response of western liberal democracies to the emergence of ethno-political mobilization has, however, shifted from one of suppressing minority nationalist claims to accommodating them. In the past forty years or so, the liberal democracies of Western Europe have progressively opted to secure the inclusion of national minorities into the political life of the state by employing various forms of federalism, regionalism and devolutionary arrangements. In post-Franco Spain, for instance, the state has been radically transformed from one of the most unitarian-centralized, bureaucratic regimes in Western Europe to a quasi federal system represented in the creation of the Basque and Catalan Autonomous governments and 17 ‘autonomous communities’.

In the United Kingdom (UK), territorial accommodation has taken the form of legislative devolution enacted in 1998 by Tony Blair’s Labour government, which provided for the (re-)establishment of a Scottish Parliament, a Legislative Assembly in Northern Ireland and the creation of a National Assembly in Wales. In a wider sense, devolution clearly involves major implications for the governance of Britain as a whole. For purposes of conceptual clarity and practical analysis, however, the focus in this article will be limited exclusively to the Scottish experience of autonomy since 1998. Scotland represents an interesting case study because it is a historic nation long subsumed in a modern democratic state -the United Kingdom- a state which itself does not have a written constitution. By placing the issue within its wider historical and institutional contexts, this article will attempt to assess the consolidation and outputs of devolution in Scotland. The analysis is driven by two key research concerns: It will try to determine what devolution has delivered for Scotland at a domestic level and the wider consequences of Scottish devolution in terms of economic development and relations with the UK state.

The absolute global dominance of the concept of national sovereignty has become an increasingly fragile one. Michael Keating (2004a, p. 134) notes that to equate nation with state is both a conceptual and historical error. Nowadays, identities are shared in differing ways by individuals (Lachapelle and Paquin, 2003, p.3). Importantly, all-embracing state national identities are “...*being*

corroded by the forces of globalization...” and are “...also subject to fragmentation, competition and overlapping elements of a multiple and diverse nature...” (Lachapelle and Paquin, 2003, p.3). The changing nature of the state and its international environment shows that the nation-state has become at once too small and too large for many political problems (Bell, 1973). The article attempts to understand the Scottish experience with reference to the current phase of globalisation, the enduring power of minority nationalism, and the most recent British response to minority nationalist claims. This article will acknowledge the existence of various Scottish nationalisms and the distinction between what Nairn (1997) has called ‘Nationalism’ with a capital ‘N’, i.e. those nationalists who want Scotland to achieve complete independence from the rest of the UK, and what might be referred to as small ‘n’ nationalists who are prepared to opt for differing expressions of autonomy.

Globalisation

Globalisation is one of the overarching concepts in current analysis of the state, economy, and society. For Held, McGrew *et al* (2006, p. 26) globalization refers to an historical process which transforms the spatial organization of social relations and transactions, generating transcontinental or interregional networks of interaction and the exercise of power. Contemporary globalization is associated with a transformation of state power as the roles and functions of states are ‘redefined’ at the intersections of globalizing and regionalizing networks and systems (Held and McGrew, 2007, p. 41). Perry Warren and Maurer (2003, p. ix) have denoted the way in which the new global space is distinguished by a simultaneous fragmentation “...of modernity’s foundational concepts- the territorial nation-state, and its national society, economy, and *raison d’état*...”. In terms of both internal and external sovereignty, the nation-state can no longer serve as the only model of political organization. (Seymour, 2004, p. 405). According to Guibernau (1999, p. 20) globalization emphasizes cultural diversity, interdependence between peoples, markets and cultures. Globalisation promotes local autonomy and local cultural difference potentially allowing for both the emergence of regressive forms of local nationalism in certain localities but also permitting new opportunities for civic participation in others (Giddens, 2007).

Minority Nationalism

The tendency towards globalisation has been accompanied by an often countervailing tendency towards localisation and a new insistence on identity in the face of globalising and transnational pressures. For Hobsbawm (1990, p.164), the resurgence of stateless nationalism stands in contradiction to the predominant modern trends of globalization and transnational integration, which would have been expected to reduce minority nationalist mobilization. Predictions that minorities were destined to disappear have proven unfounded. There has been an active resurgence of minorities and reassertion of minority claims in Western Europe since the 1960s and 1970s (Anderson 2000, p. 25).

Minorities are numerically or politically non-dominant ethnonational groups, which wish to preserve their distinct nationality, demand state recognition of their nationality and mobilize in nationality-based assertions of certain collective or political rights. For purposes of conceptual exactitude, it is necessary to classify the Scots not so much as a 'national' minority but as a 'state' minority. The Scots are a minority in the United Kingdom, but not in Scotland. Today England represents about eighty-five per cent of the United Kingdom in terms of population, Scotland about nine per cent.

Minority nationalism in contemporary Western Europe, has re-emerged as a complex set of general problems and conditions located along the axes of the state, society and the economy but also as a vital reassertion of ethnic and cultural loyalties. Confronted with the challenge of ethnonational mobilization, the state can choose to react in one of two diametrically opposed ways. In extreme cases, the state may threaten the very existence of minority groups existing in its territory by means of systematic genocide, mass expulsion, forced assimilation, or more rarely by allowing the 'irredentist' minority to secede. Alternatively, the state may resolve to formulate some form of power sharing accommodation or autonomy that allows minority groups to obtain some 'ownership' over the decision-making process, acknowledges the right of the minority group to be different and recognizes the right to self-realization and internal self-determination. In essence, as Kymlicka (2001, p.232) has observed, the state must permanently abandon the desire to become a 'nation-state', and accept its existence as a 'multination state'.

The Background to Scottish Devolution: Territory and Function

It is paradoxical that while the United Kingdom (UK) is historically regarded as one of the most centralized states in contemporary Europe, devolution has not been a particularly difficult project to execute in practice. In fact, the problem has long been that there is obvious confusion as to the nature of the British state itself, which cannot be categorised as a conventional nation-state. The United Kingdom, Rose (1982, p. 37) correctly observed, was “...*not the product of a compact, drafted and signed by its constituents... It is an agglomeration created by the expansion and contraction of territorial power in the course of a thousand years...*”. Rokkan and Urwin (1982, pp. 3-4) have proposed a four-fold classification of state building that encompasses: the unitary state, union state, mechanical federalism and organic federalism.

In the British case, the key distinction is between the unitary and union state types. The unitary state was developed around one unambiguous political center that enjoys economic supremacy and follows a largely undeviating policy of administrative standardization in which all institutions are directly under the control of the state. The union state is one in which integration is recognized as being less than perfect. While administrative standardization prevails over most of the territory, the survival in some areas of pre-union rights and institutional infrastructures preserves some degree of regional autonomy and serve as agencies of indigenous elite recruitment. Crick (1991, p. 92) observes that English political elites had a vested interest in exercising selective self-restraint in their political domination of the United Kingdom especially in matters, which impinged directly on national cultural identities. The UK, as Burgess (1995, p. 16) has observed, developed as a unitary state in theory but both the instinct and spirit of its practice have been intermittently imaginative and flexible. Drawing on Rokkan’s typology, Mitchell (2006, p. 154) argues that the United Kingdom was not a unitary state even before devolution but a state of unions with each component continuing to retain its distinctiveness. This distinctiveness would prove to be of great significance in relation to the preservation and development of Scottish indigenous institutions and modes of governance in the post-1707 era (Mitchell, 2006, p. 154). It would be wrong to neglect the presence of certain indigenous federal elements in the nascent British society and later in the processes of British government. This is not difficult to comprehend as Burgess notes that the process of state formation in England led to a formative British political culture that “...*was certainly characterized inter alia by political participation, limited central authority, a coexistence of central and non-conformist social and political*

values, and a philosophical environment conducive to flexible forms of institutional and constitutional authority..." (Burgess, 1995, p. 9).

The 1707 Union between England and Scotland essentially amounted to an amalgamation of Parliaments into a single pan-British legislature in London. An enduring belief in Scottishness was reproduced by institutions- including a separate education, church and legal system - rooted in civil society which all assisted in empowering Scotland with a sense of itself as a distinct entity from the rest of the UK. Scotland (unlike Wales and Ireland) had not been militarily subdued by England and remained a self-defining (if somewhat passive) nation in the post-Union era. It was not an oppressed colony waiting to gain its 'freedom'. The founding of the Scottish office in 1885 to take over the central government role in all the main areas of Scottish administration was a major turning point for Scotland. The Scottish Office gradually transformed itself into an agency exercising a high degree of de facto self-government. Debate about the Scottish constitution started to grow in the 1960s and became intense in the late 1980s. In the late twentieth century, the 'imperial and welfare' appeal of the British state started to falter leading to the possibility of fulfilling national regeneration via devolved democracy. In 1979, a referendum was held in Scotland on proposals to establish a Scottish Assembly, with control over most of the Scottish Office functions. The proposal was narrowly supported by a majority of the electorate but fell considerably short of the required 40 % of the electorate which had been set as a requirement in legislation.

As Pacquin (2002) has noted, overall, Scottish nationalism in the 1980s and 1990s was stimulated by a sense of economic and political betrayal by the British state which had become for many Scots the 'English state', a remote and oppressive structure. In particular, the Conservative government of 1979-1997 failed to appreciate that Scottish expectation had irrevocably shifted away from subsidy politics towards the possibility of fulfilling national aspirations via the processes of devolved democracy. The Scottish Constitutional Convention, founded in 1989 asserted that Scotland was a nation with an inherent right to self-determination and called for the establishment of a scheme of self-government that would be widely acceptable and adopted by an incoming government sympathetic to devolution. The Convention could claim to represent a broad spectrum of Scottish society. The pro-independence Scottish National Party (SNP) declined to participate in a process which was designed to preclude the option of independence. It did much, as Pittock (2003, p. 286) has noted, to prepare Scottish civic society for constitutional change. Labour and the Liberal Democrats agreed

to participate in the Convention and at the time of the 1997 general election, both parties were firmly committed to the principle of devolution for Scotland.

The election of a Labour government in May 1997 was rapidly followed by the publication of the government White Paper on a Scottish Parliament in July 1997 and a referendum on Scottish and Welsh devolution on 11th September 1997. In the referendum, the Yes vote was 74 % (64 % for tax-varying powers). The referendum also committed Tony Blair to an early election for the Scottish Parliament. The principal merit of the Scotland Act introduced into Parliament following the referendum was that it clearly delineated the powers of the new Parliament. Health, education, justice, law and order, housing, local government, agriculture, the arts and sport and transport were devolved to the Scots; fiscal, economic and monetary policy, foreign affairs and the European Union, defence, the civil service, the bulk of both social security policy and energy policy were reserved functions that must be carried out at United Kingdom level. The Scottish Parliament cannot hold a referendum on a matter reserved to Westminster. The Scotland Act provided for a Scottish Parliament directly elected by the additional member system of proportional representation. The Scotland Act provided for a separate Scottish Executive led by a First Minister, and comprising other ministers appointed by the First Minister, together with two law officers, a Lord Advocate and a Solicitor-General for Scotland.

Thus, in the United Kingdom case, Bogdanor (1999, pp. 2-3) suggests that devolution may be defined as consisting of three elements: *The transfer to a subordinate elected body, on a geographical basis, of functions at present exercised by ministers and Parliament.* These functions may be either legislative or executive (Bogdanor 1999, pp. 2-3). Devolution does not involve the surrender of sovereignty involved in establishing or extending federalism or require the introduction of an enacted constitution. In essence, devolution in the United Kingdom has been an attempt to reconfigure *ownership* of politics in a territorial frame by renewing the connection of the United Kingdom's non-English nations to government (Charles, 2006, p. 58).

The Impacts of Scottish Devolution Political and Policy Innovation

Devolution provided Scotland with one of the widest ranges of competences (with the exception of fiscal powers) of any devolved or federated government in Europe. It has allowed a transfer of power from both London to Edinburgh and from the old territorial bureaucracy in Edinburgh to elected

politicians (Keating, 2005a). Devolution has significantly strengthened the Scottish political arena in the sense that the devolved institutions have been granted such powers that they cannot be ignored or by-passed in favour of direct appeals to London. A proportional electoral system has allowed for an enhanced plural democracy in Scotland that gives opportunities for multiple actors to be engaged in the policy process and provides opportunities for civic groups, business interests and others to interact with the political process. In an Ipsos MORI commissioned by the Scottish Parliament Corporate Body to assess attitudes towards the Parliament and devolution in 2006, roughly half of respondents believed that government in Scotland has been more open and more accessible since devolution (Herbert, 2006). Thus, there is a recognition that the routine imposition of centralizing tendencies from London has been replaced by a more inclusive notion of 'governance' and a renewed emphasis on the benefits of consensus and consultation absent in the *status ante quo*. Equally, a high proportion of women were elected to the Parliament in 1999 and 2003. The Parliament has one of the highest proportions of women members in the western world (of its 129 members in 2003 37 % were women). Women currently make up 39 % of the Scottish Parliament (2010). The introduction of devolution has allowed a return to distinctive Scottish social policies and an opportunity to assert Scottish separateness from England. Half (52 %) trust the Scottish Executive to look after Scotland's interests compared with just over a fifth (22 %) who trust the UK Government (Bromley and Given, 2005, p. 20).

McEwen (2003, p. 63) has observed that the establishment of a Scottish Parliament came to be regarded and promoted, not just as a vehicle for the expression of Scottish national identity, but as a pre-requisite for better public services and progressive social and economic change in line with Scottish policy priorities. The Budget devolved to the Scottish Parliament and Scottish Government is a considerable one. It accounts for more than 60 % of the public spending that is identifiably Scottish (Commission on Scottish Devolution, 2009, p. 5). The question arises: how have these budgetary powers been used in real terms? A study by *The Scotsman* newspaper in 2003 for the first time placed Scotland in the 27-country league table compiled by the Organization for Economic Co-operation and Development (OECD). This league table measures public spending as a ratio of gross domestic product (Nelson, 2003). In the area of government spending on health, spending increased by 68.8 % from 1999-2000 to 2007-2008 compared to a percentage increase of 62.9 % increase in England. Similarly, in respect of government spending on education, spending increased by

51.2 % from 1999-2000 to 2007-2008 compared to a percentage increase of 39.9 % in England (*The Times*, 2009).

There is now a Scottish sphere of legislation on matters not affecting the rest of the United Kingdom, considerably larger than existed prior to devolution (Keating 2004b, p. 1). Despite having somewhat limited powers, the Scottish Parliament has clearly impacted significantly on Scottish identity and governance, with the introduction of a number of policies that have not been enacted at all (or in modified form or at a later date) by the Labour government in the UK as a whole. These policies include *inter alia*:

- Free personal and nursing care to the benefit of more than 75,000 older people.
- Increased investment in new hospital buildings and equipment.
- University tuition fees have been abolished and bursaries introduced for students from low income families.
- The Land Reform (Scotland) Bill, introduced in November 2001, provides for a right of responsible access to land and inland water, creating, for the first time, a general right of access in Scotland and allowing the establishment of two new National Parks.
- Introduction of proportional representation for local government elections.
- More open system of appointing Scottish judges.
- Scotland was the first part of the United Kingdom to ban mounted hunting with hounds, effectively outlawing fox-hunting, fox-baiting and hare coursing (2002).
- In 2006, Scotland became the first part of the UK to impose a ban on smoking in bars, restaurants and all public places.

The introduction of devolution has been popular and has done much to restore legitimacy to government in Scotland. The most recent *Scottish Social Attitudes Survey* (2007) found that between 2006 and 2007 trust in the Scottish Government to act in Scotland's best interests had risen from 31 % to 47 %. Trust in devolved government to act in Scotland's best interests has outstripped trust in the UK government to do the same in every year since 1999 (The Scottish Government, 2008). Since 1999, clear majorities of between three-quarters and two-thirds have said each year that the Scottish Executive should have the most influence over how Scotland is run (Herbert, 2006).

Labour's Lord Robertson argued that the re-convening of the Scottish Parliament would kill nationalism 'stone dead'. The reality has been more complex. Linklater (2006) asserts that the devolution experiment has "...given Scots the right to debate their own politics in Scotland, to breed their own politicians and to blame them rather than English ministers when things go wrong ...". Most Scots appear to want the retention of devolution as part of the political architecture of Scotland. In an Ipsos MORI commissioned by the Scottish Parliament Corporate Body to assess attitudes towards the Parliament and devolution in 2006, only nineteen per cent stated that the Parliament's achievements have either been 'mainly bad' or 'very bad' for Scotland so far (Herbert, 2006). Indeed, the same survey reveals that only twelve per cent of respondents wanted to see some powers transferred back to the UK Parliament. A BBC Scotland survey in June 2009 revealed that 41 % of people in Scotland believed devolution was 'a good thing'. A *Times/ Populus* Poll conducted in both Scotland and England to mark the tenth anniversary of the Scottish Parliament in May 2009 found seventy percent of respondents thought that devolution had been good overall for Scotland (Populus, *The Times*, 2009). In Scotland, thirteen percent answered that devolution had been 'very good' for Scotland with 57 % answering that it had been 'fairly good'. The *Scottish Social Attitudes Survey* (2007, p. 12) found that while in "...the early years after devolution, trust in devolved government in Scotland fluctuated between around a half and two-thirds...", the 2007 Survey showed a significant increase of trust in devolved government - an increase of 20 percentage points from 2006 alone.

As Christopher Harvie (2002, p.228) put it, the problem for Scotland lay in the fact that "...Now they had a parliament again, but where was the glamour in conservation and restriction?...". Clearly, the time for vague aspirations about what the Parliament might achieve has passed. Scots now expect their Parliament to be assertive in formulating and implementing legislation that will deliver distinctly 'Scottish answers' on a wide variety of social policies in ways which tend to reflect a decidedly more social democratic orientation than those of the English. In recognition of Scottish expectations, The Commission on Scottish Devolution, also known as the Calman Commission, was established by the Scottish Parliament in 2007. The Commission's Terms of Reference were:

"... to review the provisions of the Scotland Act 1998 in the light of experience and to recommend any changes to the present constitutional arrangements that would enable the Scottish Parliament to serve the people of Scotland better,

improve the financial accountability of the Scottish Parliament, and continue to secure the position of Scotland within the United Kingdom...”.

The Commission reported in February 2009 and found that devolution has been a success, and is a fixture of Scottish life. The Commission suggested certain functions -defence, security, foreign affairs and the constitution- should remain at the UK-level. The Commission rejected the idea of a second chamber for the Scottish Parliament. It noted that there is a ‘plausible case’ for looking at devolving more powers to Scotland over broadcasting, energy, animal health, firearms, misuse of drugs and marine planning. Other proposals would give Edinburgh control over national speed limits and powers over drink-driving laws and airgun legislation. Predictably, the SNP had (as with the work of the Constitutional Convention of the early 1990s) shunned the commission because it would not look into the issue of Scottish independence as an option.

At least, for the present, it seems improbable that either devolution (or more accurately disillusion with devolution) is leading inevitably to ultimate independence from the UK in the near term. Although devolution has been an institutional reality since May 1999, there has been no substantial or consistent increase in support for independence and as indicated above devolution generally remains the most popular constitutional option. Only in the SSAS of 2004 did the cause of independence register support exceeding levels of 30 % and this was not translated into electoral success in the UK general election of 2005 where the Scottish National Party’s share of the vote fell to 17.7 %, the SNP’s lowest since 1987. To date, no more than 30 % of Scots have ever voted for independence in any election and the last time that level was reached was in a general election 30 years ago. The full results of the Commission on Scottish Devolution’s questionnaire on devolution published in May 2009 showed that 73 % of respondents believed that “...*devolution has produced better results for the people of Scotland...*” (Commission on Scottish Devolution, 2008).

As the primary Nationalist party in Scotland, political mobilization has been extremely challenging for the SNP. Unlike in other European countries, the resolute nature of the UK’s first-past – the-post electoral system has provided a permanent obstacle to SNP electoral success. The real significance of the SNP has, existed in its ability to promote Scottish identity by formulating it as a political perspective. The core problem for the SNP, according to Paterson (2004, p. 18), is that the party is increasingly the resort of the disgruntled, has a declining capacity to mobilise its own supporters, and is unable to attract votes from other

parties. In the post-devolutionary context, the SNP has sought to promote a gradual increase in tax powers for the Parliament in addition to the transfer of other policy responsibilities from Westminster rather than simply campaign just for independence as an absolute goal (though this remains the end point of party policy (Lynch, 2002, p. 254).

In the period leading up to the May 2007 Scottish parliamentary elections, the SNP was highly successful in converting disenchantment with the Labour government at the UK level into active support for the SNP. As a result of the May 2007 elections, the SNP became the biggest party in the Scottish Parliament winning a total of 47 of the 129 seats, with Labour just one behind on 46. The SNP also defeated Labour in terms of the share of the vote on both constituency and list ballots: Around 33 to 32 % and 31 to 29 %. The SNP has been obliged to secure the support of the Greens to form a minority government. The three 'Unionist' parties -Labour, Liberal Democrats and Conservatives- continue to hold 79 of the 129 seats in the Scottish Parliament. In September 2007, the Scottish Executive was rebranded as the Scottish Government by the new administration. Clearly, the SNP was determined to underline, in the clearest possible symbolic terms, the shift in power that had taken place.

Scottish Devolution: A Critical Evaluation

The Constitutional Aspect

As in Spain, where there is considerable asymmetry between regional-based units, Scotland, Wales and Northern Ireland were all granted varying degrees of devolved government in accordance with the prevailing demand for constitutional reform. England, however, has been largely neglected in the devolution settlement as there is at present, little or consistent demand for an English parliament. In response to these devolutionary pressures the constitutional basis of the United Kingdom has changed in a federal direction, yet in comparative terms it resembles more a federacy than a federation (Gamble 2006, p. 32). Of the main constitutional and political imbalances stemming from asymmetrical devolution, the West Lothian question, first raised in 1977, remains highly controversial. The issue revolves around the fact that after legislative devolution to Scotland, Scottish MPs are still able to vote on English domestic policies in the UK Parliament, while English, Welsh and Northern Irish MPs are no longer able to vote on Scottish domestic policy. The West Lothian Question, then, draws attention to the fact that devolution will transform the UK Parliament

into the quasi-federal parliament of a quasi-federal state (Bogdanor, 1999, *op. cit.*, p. 235). In this system of asymmetrical symmetry, there has been little effort to articulate what the United Kingdom exists for since devolution and how a more complex set of governing arrangements now better able to express narrower territorial interests is also able to express United Kingdom-wide purposes and solidarities (Jeffrey and Wincott, 2006, p. 7). The devolutionary arrangements suffer by still having no structural framework comparable to German-style cooperative federalism and Westminster's authority is still represented in Cabinet by the Northern Ireland, Welsh and Scottish secretaries (Bort and Harvie 2005, p. 5). These imbalances and weaknesses in the devolution settlement can only be resolved if Britain configures itself into a federal state- a settlement which hardly seems imminent.

One further area of potential contention between Edinburgh and London might exist in respect of proposed discussed changes to the Human Rights Act. Labour and Conservative proposals to change the Human Rights Act (1998) (which incorporates the rights contained in the European Convention on Human Rights into UK law) could become a “...*legal and political nightmare...*” (Hirsch, 2010). This was the verdict of a report by Justice, an independent human rights organisation, released in February 2010. The devolution statutes and the Human Rights Act are “...*legally and constitutionally tied together...*”, noted Qudsi Rasheed, legal officer at Justice, who also noted that “...*Constitutionally, for there to be a change to the act, the consent of the devolved bodies would be needed...*” (cited in Hirsch, 2010). In the case of Scotland, it is highly unlikely that the SNP minority government would choose to ally itself with such a position.

The Economics of Devolution

The economic implications of devolution still remain far more uncertain. Devolution may be a very significant political change, but in economic terms it has far less significance because even small changes are difficult to detect in the overall context of the Scottish economy (Morgan, 2006). The devolutionary settlement means that comparatively few macro-economic powers have been transferred to Scotland. Harvie (2008) has noted that the economic record after 1999 was ‘chequered’. Harvie (2008) also observes that the Labour-Liberal Democrat coalition which existed until 2007 had failed to deal with “...*the country’s persistent underlying entrepreneurial problems: High levels of ‘real’ unemployment and consequent poverty, and micro-management rather than*

finance from state-run concerns such as Scottish Enterprise...". Rapid growth of the service sector in Scotland has compensated for the contraction of traditional industries in the last few decades.

As the process of devolution develops further, demands for a reconsideration of the current UK-wide territorial finance system will, however, become more pronounced. The Barnett formula remains the main mechanism for allocating changes to the block grants that finance the activities of the devolved institutions in Scotland. Since the introduction of the Barnett formula, Scotland has arguably received too much public expenditure. While Scotland is now the third wealthiest region in the UK, public spending on health and education remains higher per person in Scotland than in England. Seager (2007) has noted that public spending is currently more than 50 % of GDP and tax revenues about 40 %, with the balance paid for by other UK taxpayers. Fraser Nelson (2008) has noted that state spending in Scotland is 54.7 of GDP, higher than any country in the world. Seager (2007) has further pointed to the fact that "... *Scotland currently enjoys Scandinavian levels of spending and American tax levels...*". If, however, a future UK government decided to cut overall spending, then devolved budgets would also be reduced regardless of the policy preferences in the devolved institutions themselves. Furthermore, under the recommendations of the Calman Commission, Scotland would also introduce a new Scottish rate of income tax, gain responsibility over a number of smaller taxes (Air Passenger Duty, Landfill Tax, the Aggregates Levy and Stamp Duty Land) and lose some of its block grant under the Barnett Formula. These proposals a major shift for the Scottish Parliament in terms of both fiscal power and financial accountability which the UK government committed to 'take forward' in a new Scotland Bill, to become law before 2011. The changes would make the Scottish Parliament responsible for raising a third of its budget. Both Labour and the Conservatives made clear their commitment to implementing the major changes proposed in the Calman recommendations. Unsurprisingly, the SNP Government has been particularly disappointed at the failure of the Calman Commission to recommend giving Scotland any control over its own oil and gas resources.

At the outset of the devolution experiment, there was also concern that the Scotland Act (1998) made only two references to the question of local government - local taxes (which are excepted from reservation) and the franchise at local government elections (which is reserved). McFadden (1999) noted that that in view "...*of the fragmented nature of local government and the plethora of joint arrangements which now exist, some councillors and local government officers see the establishment of the Scottish Parliament as a threat. They see it as*

an institution which will further undermine local autonomy...". These anxieties appear to have been largely unfounded in practice. According to Jeffrey (2006, p. 69), local-regional relationships in Scotland have been much more about securing for local government the input into central policies that was denied, or at least more difficult to achieve vis-à-vis a more remote UK government, before devolution. Devolution so far has worked as an exercise in inclusion and democratic renewal (Jeffrey, 2006, p. 69). Werran (2005) has observed, however, that while some areas of local government, such as education, have developed strong working relationships with their counterparts in the Executive, relationships in other service areas have been more problematic. For Werran (1999) the issue at hand, given the fragmentation of local-central relations, is whether Scotland has too many municipal councils, all duplicating the work of each other.

The Potential for Conflict between Scotland and London

Whatever the outcome of the SNP's performance in government, it is now the case that Labour's 50-year electoral dominance of Scotland has come to an abrupt end. In the six months following the formation of its minority government, the SNP avoided triumphalism, excessive confrontation with London and any aggressive push towards immediate independence. The SNP government is, however, challenging London and Labour on replacing Trident nuclear missiles, control of oil revenues, and increasing Scottish broadcasting. The Party's first legislative programme contained promises to abolish bridge tolls, democratise the health service, modernise rape legislation and abolish student fees. At the outset, the Party seemed relatively content to show that they could run Scotland's devolved government better than Labour. In August 2007 the Scottish National Party did, however, call for a 'national conversation' to take place about independence. In the White Paper produced by the Scottish National Party in December 2009, the Party announced its plans to hold a referendum in 2010 to decide whether to opt for full independence or to secure increased devolution from London. The Party's ambitions appear destined to fail as it does not have enough support from opposition parties to be able to stage a referendum in 2010. Labour, the Conservatives and the Liberal Democrats all oppose the policy.

In political terms, the arithmetic in the Scottish Parliament means that First Minister Alex Salmond's ability to propose a Scottish independence referendum is unlikely to be achieved in the lifetime of the current parliament (Mr Salmond has openly acknowledged that only about 50 of the 129 MSPs were in favour of

independence). The other main parties have strongly urged the minority SNP government to focus on devolved issues such as health and education and on extending the policy remit and influence of the Parliament. It is necessary to point out though that Prime Minister Gordon Brown has declared that the Scottish Parliament should focus on how 'existing powers' were best used rather than on shifting more powers to Edinburgh. The potential for conflict between London and Edinburgh on the issue of increasing the powers of the Scottish Parliament clearly remains very high. The *Times/Populus* Poll of May 2009 found the proportion of Scots supporting independence has declined from about a third at the time of Mr Salmond's election victory and is now running at only a fifth, with two fifths supporting the Scottish Parliament in acquiring more powers but rejecting separation from the rest of the UK. Similarly, an IPSOS Mori Scotland poll conducted in November 2009 found that one in five Scots say that they would vote for independence in a referendum. Thirty-two percent would prefer the status quo while forty-six percent would opt for greater powers for the Parliament (Ipsos-Mori, 2009).

In a general sense, it is possible to assert that devolution functioned relatively smoothly in Scotland from its inception in 1999 to the Scottish Parliament elections of 2007 for a number of distinct reasons: potential tensions between London and Edinburgh were managed through internal Labour Party channels; intergovernmental relations between the UK and devolved government in Edinburgh were facilitated by continuities of pre-devolution civil service personnel and procedures; there were almost no serious legal disputes about the division of competences between the UK government and Edinburgh in the period 1999-2007; the same period was also marked by a significant expansion in UK public spending that produced real growth in the budgets of the Scottish government reducing the potential for conflict over territorial finance and resource allocation (Jeffrey, 2004, pp. 8-9). With the establishment of an SNP minority government, these old certainties have been increasingly open to disruption. In July 2007, it was disclosed that the civil service in London and Edinburgh are formally operating as separate administrations, severing the powerful links that used to tie Scotland to the rest of the United Kingdom (McMahon, 2007). Scotland's most senior civil servant Sir John Elvidge has admitted that the election of the SNP has brought an end to the contacts and informal exchange of information that used to be commonplace between the Scottish Executive and UK government in the first eight years of devolution. Elvidge also disclosed that plans were being developed to create a separate Scottish civil service.

The Calman Commission has pointed to the need for the ‘revitalisation’ of intergovernmental relations between Edinburgh and London and of the importance of developing a closer relationship between the Scottish and UK Parliaments. Recommendation 4.1 of the Calman Report noted that there should be mutual respect between the Parliaments and the Governments, and this should be the guiding principle in their relations. Recommendation 4.7 stated that UK and Scottish Government Ministers should commit to respond positively to requests to appear before committees of the others’ Parliament.

Conclusion

Many scholars convincingly argue that the intensification of global interdependence has led to a significant erosion of state power and autonomy. States must now negotiate and bargain not only with other states, but also with a complex variety of transnational organisations and forces. In the first decade of the 21st century, the viability of existing multination states has become increasingly contested. The last thirty or forty years have repeatedly demonstrated that states fail to enjoy legitimacy without the consent of their territorial minorities. Equally, it has become equally apparent that if multination states are favourably disposed to allowing restive minorities a degree of ‘ownership’ over the decision-making process, national minorities may remain content to forgo the uncertainties of secession and the redrawing of boundaries. Devolution in other western European countries has been relatively uncomplicated due to the existence of written constitutions in those countries. It appears that Scotland has chosen to opt for the path of devolution and remain a part of Britain at least for the foreseeable future. Continuing support for the devolved institutions signals a desire by Scottish society as a whole to progress along the path of self-government in a consensual fashion, towards an end point of their own choosing.

In allocating more power to a minority group to regulate its own affairs the state may fear that there will be further demands for further autonomy. Until 2007, devolution with its potent emphasis on Scottish national identity, institutional distinctiveness and consensus had appeared to constrain the electoral appeal of the SNP. While the challenge posed to the territorial existence of the UK by the new SNP minority government should not be underestimated, it is worth observing that the May 2007 election result did not produce an unequivocal mandate for Independence with the majority of the electorate still not opting for the independence route. Whatever the criticism directed at the devolved parliament, the Parliament’s resurrection after 300 years of absence is clearly permanent. It

has succeeded in becoming a major symbolic focus for the national aspirations of 5.1 million Scots. Devolution is, as has often been remarked, a process not an event. The Calman Commission has rightly looked at whether devolution needed to be recalibrated and which powers might be transferred to or enhanced in Edinburgh. Taylor (2009) has rightly noted that changes to Scotland's constitution have always tended to develop via circuitous routes. The Unionist parties introduced devolution as a means of preserving the Union: a goal which seems to have been achieved so far. The central question to be asked in the current context is how, or even if, devolution will continue to function effectively when different and mutually antagonistic political parties hold power in London and Edinburgh.

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