

Attendance

Daniel Johnson MSP, Andy Wightman MSP, Nick Bibby, Mark Diffley, Stuart Fancey, Alex Herdman, Prof Nicola McEwen, Dr Wilfried Swenden

Apologies

Richard Leonard MSP, Jackie Baillie MSP, Kezia Dugdale MSP

1.0 Introductions and Welcome

Daniel Johnson welcomes those present, who introduced themselves.

2.0 Minutes of the last meeting

2.1 Amendments

The minutes of the last meeting were adopted without changes. Proposed, Andy Wightman MSP; Seconded, Daniel Johnson MSP.

2.2 Matters Arising

The date change (to 13 November) for the Celebrating Scottish Social Science Reception was noted.

3.0 Presentations

3.1 Dr Wilfried Swenden

What is Federalism?

There are about 20 federal countries in the world, which between them account for around half the world's population. Generally, when discussing the structures of these countries, we make a distinction between what is termed 'shared-rule' and 'self-rule'.

Self-rule is the power to take autonomous and final decisions on certain topics. The division of competencies is constitutionally embedded and changes to that structure cannot be made without the consent of both parties. A means for settling disputes over the division of powers may involve the regions may being represented in a second chamber and will usually also involve a supreme court.

Shared rule is the ability of the component territories to influence or determine outcomes at the federal level. These matters may be reserved but may also emerge where the constitution is silent or there are issues or externalities that cut across the regions. This is particularly true of foreign policy. Second chambers may reflect the governments of the regions and may be directly elected or indirectly elected from regional legislatures. Other forms of intergovernmental relations may involve meetings or parliaments, ministers or civil servants.

Types of Federalism

When new federations are created from scratch, such as the US, they tend to reserve powers to the centre; when federations emerge, they tend to define the powers of the community and reserve everything else to the state.

Federations can allow special status – or asymmetry – to particular regions, such as is the case in Quebec. Some federations allow for succession and some do not and this tends to distinguish between plurinational and national states.

Co-decision-making in, for example, Germany means that tax is shared and the Länder deliver the policies of the centre. Whereas in Canada, for example, the centre and the regions both raise taxes, pass laws and administer services.

3.2 Prof Nicola McEwen

Federalism in UK Political Debate

It is not clear in the case of either Labour or the Liberal Democrats what they mean by federalism. In part, this is because it is not clear what either is aiming to achieve – are they discussing the governance of the UK or of Scotland?

If it is about the governance of the UK, there are easier solutions, including *devo-max*, *indy-light* and home rule. There is a tension presented by these; Gordon Brown's PhD thesis highlights the tension between support for home rule and the recognition of the ability of the state to redistribute wealth. However, systems that have high levels of self-rule also have high levels of shared rule. Although this sounds counterintuitive, it is actually unsurprising that where there is a great deal of autonomy, there also needs to be well-developed means for reaching consensus or managing divergence.

A federal solution to the territorial tensions within the UK would be hard to steer from Scotland and there is little appetite for it in the rest of the UK. Successive editions of the Future of England Survey have found little appetite for regional government.

A territorial second chamber would be likely to exacerbate tensions rather than resolve them. However, the clearer solution would seem to be a more robust system of intergovernmental relations. One key issue here is how parliaments are involved or whether it is just a case of governments talking to each other and making decisions.

In conclusion, if federalism is thought of as a way to resolve the territorial tensions within the UK, it is probably not going to work.

4.0 Questions and Discussion

Daniel Johnson asked how unusual the UK's devolved setting is. Dr Swenden answered that it is very unusual, particularly the informal nature of the relationships between institutions. Prof McEwen added that the levels of asymmetry seen in the UK is also particularly unusual.

Nick Bibby asked whether political parties in federal countries tend to be state-wide or tied to particular regions. Dr Swenden explained that it reflects the level of self-rule and shared-rule. One of the challenges faced by Scottish and Welsh parties is that they are not large enough to carry much weight in the wider framework.

Mark Diffley asked whether the UK was moving along a spectrum. Prof McEwen explained that there were two spectrums; one in the UK and another in Scotland. Simply devolving more and more powers to Scotland would not create a federal state; a move towards greater shared-rule would be required.

Andy Wightman mentioned how different Green Parties around the world had evolved to reflect a changing understanding of the nature of the nation state.

5.0 Dates of Future Meetings

12 Sept 5.30 - 7 - Meeting

13 November 5.30 - 8 - Celebrating Scottish Social Science Reception

12 December 5.30 - 7 - Meeting

13 February 5.30 - 7 – Meeting (AGM)

6.0 A.O.C.B.

There being no other competent business, the meeting closed at 7.03.