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The impact of the Scottish Independence Referendum on Devolution and Governance in the United Kingdom

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Paper 2: After the No Vote: Devolution and Governance in the UK: Consequences and Questions for Northern Ireland

Introduction

From the result of the September 2014 Scottish Independence Referendum we now know there will be no significant constitutional change to the UK, at least not yet! The NO vote is still seen by many in Scotland, not least the Scottish National Party, to borrow a phrase from the negotiations over Irish partition, as 'a stepping stone' to eventual independence. For advocates of YES, the referendum loss is an event marking only the beginning of end, and is by no means the final say or settled will of the Scottish people as David Cameron claimed the morning after the result. Of course they may be proved wrong and September 18 2014 might

remain forever the high water mark of Scottish independence. What can be said with much more certainty, however, is that the content of the speech by Prime Minister David Cameron on the morning of September 19 actually ensured that the debate about devolution and governance of the UK became more contested. The importance for Northern Ireland consists both in what didn't happen - that is what was nearly lost forever (the union), and what will now certainly happen, namely the proposed and inevitable changes in the governance of the rest of the UK with greater devolution of political and fiscal powers. In the first instance this will have a greater and more immediate effect in Scotland, and then, signalling a further truly significant change in the political geography and power across these islands, in England.

It is hard to predict with confidence precisely what will now happen regarding the constitutional future shape of the UK, and as one Scottish commentator warily noted, 'If the Westminster system has one real expertise, it is for gently enfolding radical ideas, like a jellyfish with its prey, and dissolving them to transparent mush' (Ascheron, 2014). At the time of writing the political momentum at Westminster, driven by Conservative MPs pressing for 'English votes for English laws', appears such that real constitutional change will occur – but driven from England. The pre-referendum 'vow' to Scotland for greater devolved powers by the three main UK unionist party leaders will be honoured, but this will not be allowed to pass without English MPs in turn obtaining some concomitant powers, for example a demand to limit the voting rights of non-English MPs to some legislation affecting English policy matters areas only, such as education or housing. Following the Scottish vote for independence therefore, it finally looks like the West Lothian is being addressed, and by English MPs. Uniquely, devolution for all 4 nations of the United Kingdom is on the agenda, yet paradoxically at this very moment when England historically demands devolution of powers, the Northern Ireland Assembly is locked in stalemate over failure to agree on the implementation of the 2012 Welfare Reform Bill. This welfare impasse has resulted in a budgetary crisis seriously risking the devolved Assembly at Stormont collapsing with a return to direct rule. This demonstrates not only the complex and contingent nature of the consociational form of governance here, but how, just as in Scotland fundamental constitutional questions are also entangled with social policy and welfare issues.

Northern Ireland: what might have been and why it still matters even after 'No'

Before assessing how the No vote might affect devolution in Northern Ireland first of all it is necessary to summarise where we are in terms of the current situation in Northern Ireland. Drawing on the terminology of Shirlow and Coulter (2014), we shall term this state of affairs 'the reality and constraints of 'inbetweenness''. Reflecting on Northern Ireland 20 years after the ceasefires, Peter Shirlow and Colin Coulter neatly encapsulate the current state of politics here:

Northern Irish society is invariably depicted as having moved beyond the hatreds of the past and evolved into something more progressive and 'modern'. It is, however, rather more fruitful to

understand the region not in terms of this familiar transition, but rather through the lens of its profound 'inbetweenness'. ... it becomes more apparent that Northern Ireland remains snared between a whole series of binaries: it has edged its way from something that often felt like war toward something that does not, even yet, quite feel peace; it exists on the fringes of the British state and at the outer limits of the peripheral vision of its Irish counterpart; it still has a unionist majority but within a generation will not; above all perhaps, it resides in the eternal antechamber - not quite British, not quite Irish - fashioned out of the competing imaginations of its principal ethno-sectarian traditions. It is these fundamental ambiguities - its quintessential 'inbetweenness' - that make Northern Ireland such a volatile political context, even twenty years after the cease-fires (Shirlow and Coulter, 2014, p.719).

Questions that again highlight this 'inbetweenness' which shapes the politics of devolution in Northern Ireland, as well as both nationalist and unionist identity, have been thrown into greater relief by the Scottish independence debate and particularly by proposed forthcoming devolutionary changes in England. As Graham Walker has argued in charting the example and influence of devolution in Northern Ireland from the 1920s to the late 1960s had on the Scottish Home Rule and devolution policy debates, 'there is much to be gained in studying the interactions between Scotland and Northern Ireland in relation to the area of devolution and constitutional change, provided that care is always taken to allow for the crucial differences in the respective contexts' (Walker, 2010, p.236). Walker argued that as they both now possess devolved government with primary legislative powers they 'relate crucially to questions about the operation of the new, partially decentralised, UK on the one hand; and the future of the UK as a polity and of Britishness as meaningful form of identity and allegiance on the other'. The continuing relevance and unsettled responses of these three questions has been highlighted again by the aftermath 2014 Scottish Independence Referendum. Indeed Walker's claim that 'political interactions between Scotland and Northern Ireland, as a matter of devolutionary relevance, have both a significant history and a contemporary resonance' (Walker, 2010, p.236) seem significantly more pertinent now than even as recently as 2010.

Unionist Allegiance and Identity – A Loss Averted?

For unionists, the result of the Scottish independence result, in terms of security and confidence in their national identity provided relief, not celebration. Over 400 years of Ulster Scots history, a deeply connected heritage covering the legacy of plantation, immigration and interdependence which created and forged a shared Ulster Scots identity for hundreds of thousands of people in Ireland; this would all have been seen in a different and a diminished light looking forward. Following thirty years of conflict in Northern Ireland, the union with Britain, enshrined in agreement and legislation both North and South, East and West, was more safe and secure than ever since the 1998 Belfast (Good Friday) Agreement, a reality strangely often ignored or

underplayed here. But it was now suddenly seen to be contingent and extremely vulnerable from a most unlikely quarter.

In the event, a major shock to the union, crucially for the first time since the Anglo-Irish agreement *outside* of their influence and veto, was averted. While hard to quantify, for Scotland to have been no longer part of a union with Northern Ireland, would have impacted detrimentally upon the collective unionist psyche and represented a real 'crisis for unionism' (Walker, 2014). While the intriguing speculation - and artistic impressions - in the media about what would a rUK flag might have looked like are now academic and redundant, speculation on changes to the cherished union flag after a Scottish Yes vote would have had been a visual manifestation of loss and hurt to unionists and had a detrimental impact on national identity. However cushioned, a sense of cultural isolation and of a diminished and more distanced relationship with rUK would have been inevitable, real and significant. The union with Scotland rather than England, was always more proximate, immediate and lived across the narrow North Channel. In contrast, London and especially Westminster is, culturally and geographically, a place much more detached and apart.

As the failure of Haas talks in 2013 demonstrated once more, flags, symbols, and parades matter enormously and act as a veto on progress under devolution. This is because 'political authority in Northern Ireland is not derived from a common sense of civic culture and that political legitimacy remains intimately associated with a sense of cultural interests and assertion' (Shirlow and Coulter, 2014, p.718). This lack of common civic culture was costly both in terms of the loss of trade in Belfast and in policing the flags protest, with negative consequences for community relations that reinforce divisions of allegiance for a new generation. On this issue we also encounter our first major 'asymmetry' with Scotland and England; symbols of identity matter so much here. Surveying the symbols of British culture among English and Scots it has been shown that 'a person's sense of their own national identity makes little difference to their perceptions of the important symbols of British culture' (Bechhofer and McCrone, 2014). National identity is not so strongly tied to visual and cultural symbols like flags and national anthems in Scotland, and even less so in England. That cannot be said of Northern Ireland where flag flying is such a powerful public act imbued with claims of territory and identity, and where flags and symbols are as much about delineating difference and otherness as for proclaiming belonging or attachment. Shirlow and Coulter (2014) are sadly right to assert that 'the political culture of the region remains driven by the preoccupations and ambitions that are the hallmark of ethno-national division. In recent times, increasingly bitter disputes over political commemoration, cultural symbols, and, above all perhaps, contentious parades have exposed just how little ground is still shared between the two principal traditions in Northern Ireland' (2014, p.715). Devolution has not yet bridged and common ground in these areas, apart from the notable exception of Derry/Londonderry's accommodation over the Apprentice Boys' parades, but even then that is as a result of particular local influence as opposed to any broader agreement achieved at Stormont.

Republicans and Nationalists – Lessons from Scotland?

For republicans and nationalists here, despite feigned disinterest, a YES vote would have been welcomed. The sudden break up of the union, the very *raison d'être* of unionist politics, and one accomplished by that part of the unionist family with which they held the closest affinity, would inevitably have been a boost to republicans. Not simply as a crisis for their political and constitutional opponents, or a pretext to raise the issue of a border poll; it would have strongly countered the critical narrative that berates them for being inward looking nationalists, as parochial separatists stuck in the 19th century reliving past conflicts. What is good enough for a progressive and prosperous Scotland might be good enough for Ireland now after all. If Scotland in the 21st century doesn't need the union, why should Northern Ireland? In the context of Ireland, republican calls for the end of the union would have gained legitimacy and credibility, fresh impetus from the non-ethnic, non-sectarian independence movement in a neighbouring country.

However, the irony of the union being quickly and terminally rendered asunder from within would also have raised questions about the validity of the republican *raison d'être*. Scotland's independence campaign was conducted in a manner and from such a broad and diverse civic base (women's groups, business supporters, artists, non-nationalists, the previously non and apolitical) which bears no comparison with the electorally large but much narrower base of support enjoyed by republicans. How could Alex Salmond so very nearly achieve in a few years of democratic campaigning, what 30 years of armed struggle could not? Of course the political and social contexts of Northern Ireland in 1968 and Scotland in 2014 are entirely different. Scottish nationalism and Irish republicanism are completely different movements, of a different age, with more differences than similarities. But the public perception of this simplistic comparison is still very challenging for republicans when forced to justify an armed struggle which they have tried to put behind them, especially to the electorate in the South. In addition, their own critics continue to ask how nearer are they now to a United Ireland through solely constitutional politics. The SNP have recently shaped the political agenda of Scotland and its neighbouring nations, and unless and until Sinn Fein makes a significant breakthrough in terms of holding power, or the balance of power following the next election in the South, the same cannot currently be said for Irish republicanism. Even then, and even if combined with being the largest party in the North after the next assembly elections, they would still not command the same broad, cross community support as that enjoyed by the SNP in Scotland.

The Constitutional Status Quo

Moreover, current support for the union appears to be so solid in Northern Ireland precisely because opinion polls and surveys now demonstrate a substantial - and apparently increasing - element of the nominally

nationalist community prefer the status quo of maintaining the union. They have a reduced appetite for Irish unity given their more recently acquired affluent socio-economic status in Northern Ireland. According to John Brewer this is because 'Catholic economic unionists, the catholic middle class' tacitly if silently support the union as the best provider of their standard of living and quality of life which is high for both Protestant and Catholic middle classes in an increasingly cosmopolitan Belfast (Brewer, 2014). This analysis is supported by Aughey (2014) who argues that despite the 2011 census in Northern Ireland showing 45% of the population self-defining as Catholic (with 48% Protestant) the assumption that there will therefore soon be a Catholic *and* nationalist majority is flawed because 'religious identity does not translate simply into constitutional preference' (Aughey, 2014, p.821). He cites a *Belfast Telegraph* opinion poll from June 2010 showing only 7% of voters would vote to remove the border, and a similar poll in the same newspaper in October saw that figure of those who would want reunification immediately, at only 7.7% per cent, although the figure for unity over a longer timeframe of 20 years is 32.5 per cent (*Belfast Telegraph*, October 6, 2014). This disjunction gives rise to the paradox Aughey describes of support for Irish unity decreasing at the very same time of increasing electoral strength and success for Sinn Fein. As Bechhofer and Crone stress: 'it has become tediously necessary, because so many people seem resistant to the idea, to point out repeatedly that one cannot read off constitutional aspirations from how people construct identities' (2014, p.321). The same explanatory factors may well explain the 14% of SNP members who voted No in the independence referendum:

If the 2011 census shows a narrowing of the gap between Protestant and Catholics it also reveals that only 25% of all respondents volunteered an 'Irish-only' identity. British-only was chosen by 40 %, while 21% chose Northern Irish. In the unionist narrative it is again the resilience rather than the fragility of the UK link which is crucial... (Aughey, 2014, p.821).

This prevailing narrative remains therefore, supported consistently by polls and social attitude surveys, is one of status quo and is unionist. This shows that, whatever the result of the Scottish Independence vote had been, the union with Northern Ireland is effectively secure, with diminishing support for any immediate challenge to the union. This remains by far the most likely and plausible scenario for the foreseeable future, but that future is seldom clear in Northern Ireland.

Uncertainties

Yet several notes of caution should be attached to this narrative as there are many unknown factors which may yet upset this current balance. If Westminster becomes more anti EU and moves to the right in economic policy with a smaller state (around an agenda dominated by the English Conservatives and UKIP), the enormous levels of subsidy for well-paid public sector jobs (including many catholic middle class ones) here might be reduced. A looser more federal UK constitution is anticipated after the next UK general election with devolved power and fiscal autonomy to regions and cities like Manchester argued for by the *City Growth*

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Commission report recently published in October 2014, and by George Osborne's 'Northern Powerhouse' speech which endorsed greater devolved power to enable economic growth supported by government policies such as investing in high speed rail services to the midlands and north of England.

There are lots of speculative but plausible variables on the horizon which if they obtain render nothing certain regarding the future governance of the UK. For example, an economically recovering and stronger Irish Republic - now with a 'healthy current account surplus and investment growth of 15 per cent per year' (*Financial Times* b, 2014) might move closer to EU integration, a Scotland disappointed with the delivery of the 'Vow' would revisit independence sooner than a generation, and a more devolved England and Wales will perhaps be outside of the EU in 2017. Any combination of even some of these factors will change the landscape of devolution and politics in this regions of the United Kingdom completely. Contingent support of the union by the Catholic middle classes because of their currently comfortable economic position cannot be guaranteed forever and is no firm basis for the future constitutional position of Northern Ireland in the UK.

Moreover, just as the contention over Orange parades and the flags protest at Belfast City Hall causes resentment among unionists about a lack of respect and tolerance for their identity, so the cool regard and grudging reluctance of political unionists to fully embrace and support cultural aspects of the 'economic unionist Catholics' who underwrite support for the union, in areas like GAA, Catholic schools and the Irish Language Act for example, may ultimately prove self-defeating. In this regard the distinction made by the political theorist Bernard Crick (2008), author of much of the Blair governments' public policy on citizenship, between 'separatist nationalism' and 'cultural nationalism' in Scotland, is particularly germane to Northern Ireland. Based on his experience as an Englishman living in Scotland and while stressing that he was *not* a supporter of Scottish independence, Crick was so annoyed by a speech from Gordon Brown on Britishness in 2001 attacking Scottish nationalism that it moved him to write to Brown:

I humbly pointed out that... nearly all Scots were nationalists, in the sense of having a strong nationalist identity: the majority were not separatists. I suggested that attacking nationalism as such, lumping separatism and patriotism together, could cause offence as well as confusion and drive some cultural nationalists into separatist politics. (Crick, 2008, p.73)

In the Edinburgh Agreement defining the terms of the Scottish referendum, David Cameron deliberately left 'devo-max' off the ballot paper because he calculated that a straight binary choice between independence and the union would force the decision and highlight how little support independence ultimately really had and finally settle the issue. The speed with which low poll ratings almost became 50 per cent should be at least an instructive qualification to those who consider the constitutional question settled for the foreseeable future in Northern Ireland. With a Catholic population of 45 per cent, and with two parties standing on a manifesto of Irish unity at the 2010 general election achieving 42 per cent of the vote (Sinn Fein 25.5 and SDLP 16.5), nationalist support in this region would start from a much higher base than that from which the YES campaign

started in Scotland. When presented with a forced choice, it would be difficult to know which way the 'inbetweeners' may vote.

Of course, the analysis proffered by this author and of others quoted above on the political and constitutional future of Northern Ireland, is necessarily speculative in part, based on previous election results and some opinion polls (only voting *intentions*) and political analysis,

Welfare and constitutional debates: entanglements

One problem with analysing the fallout from the Scottish Independence debate in terms of constitutional change, national identity and allegiance, as many forcefully argue when criticising the lack of progress made by devolution in Northern Ireland, is that these are very last things we need to forefront again. The constitutional debate has been the main currency of politics for nearly 40 years, and has been a relentless focus on what divides us. An argument runs that meaningful progress on 'ordinary' politics, the standard but vital socio-economic issues such as health, welfare, education and housing, are sidelined and delayed by constitutional divisions and posturing unrelated to more fundamental political concerns - the 'bread and butter issues' ultimately affect society, families and individual. In Paper 1 above it is argued that central to the entire campaign for Scottish Independence were issues of social policy and social justice. It can equally be argued, illustrated by the latest impasse over welfare reform that the entanglements of social welfare and national identities also obtain in Northern Ireland. The same language used in Scotland against austerity and 'Tory Cuts' in the independence campaign are being used by Sinn Fein to delay and try to avoid implementing Welfare reform legislation which came from Westminster. It is an ethno-national split replicated on social policy and welfare issues. As Simpson (2014) argues in citing the language of Trench and Lodge (2014), because of the promise of (yet specified) devolution of competence for welfare to Scotland following the independence campaign, despite differing 'welfare unionist' and welfare nationalist' approaches to social security, shows the three main UK political parties seem less committed to a shared approach to social security 'means that the prospects of abandonment of parity look greater than at any time since 1926' (Simpson, 2014).

Social security has uniquely (in contrast to both Scotland and Wales) been a devolved matter for Northern Ireland since 1920 (Simpson, 2014), and as both Simpson and Walker's historical account shows 'the step by step' or 'parity' policy on welfare benefits and services by which social legislation closely mirrored that of Westminster, despite having the devolved powers to legislate otherwise, was often seen as a political proxy for maintaining and strengthening British National identity and the importance of sustaining a social union (Walker, 2010 p.242; Simpson, 2014).

Here again then in welfare policy, as much as in with the constitutional question, we encounter the 'inbetweenness' which shapes the framework of devolution in Northern Ireland. Shirlow and Coulter (2014) argue how the peace process did not mark an end to ethno-sectarian competition that characterized Northern

Irish political life, rather, 'if anything the cease-fires ushered in a new and more "agreed" version of ethno-sectarian (crisis) management' (2014, p.715). This crisis management is currently manifested in welfare reform and constrained by huge financial considerations. With an annual subvention of almost £10 billion per annum, this region is almost entirely dependent on funding from Whitehall. Recent treasury figures announced in October 2014 covering the first half of 2014 showed that despite record high levels of employment and growth in the economy, tax returns were so low that the UK deficit was 10 percent higher than forecast. With a total UK national debt of £120 billion, the £100 million 'loan' from the treasury in London to meet Northern Ireland's financial commitments this year may well prove the very last of a kind. Such fiscal dependence – unlike that in Scotland which has a much stronger independent economic base – means that, to paraphrase Larry Elliott, the question is not austerity, but austerity imposed by Westminster or austerity imposed by Stormont (Elliott, 2014). At the moment the only plan is to reject the latter in the hope that the former will somehow go away. A perfect storm of a residual ethno-sectarian division, constitutional uncertainty (devolution) and financial austerity now confronts our devolved assembly here in Northern Ireland.

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The Open University has made available a wide selection of material relating to different aspects of Scottish Devolution and the Scottish Independence debate on its *Openlearn* website at:

<http://www.open.edu/openlearn/society/politics-policy-people/politics/the-debate-on-scottish-independence>

