

Lord Howell of Guildford speaks on A Better Union, and Regaining Scottish consent

- 20.01.23

My Lords, I declare an interest: I served with pride on the committee that produced this report. We worked very hard for more than a full year under the excellent chairmanship of the noble Baroness, Lady Taylor, whose fine speech surveying and presenting the report we have just heard. We benefited enormously from having the noble Lord, Lord Dunlop, as a member; we also had the acute observations of the noble Lord, Lord Hennessy. We will hear from both of them shortly. To quote yesterday's psalm, I think that, as usual, the noble Lord, Lord Hennessy, will come before your Lordships "with a song" that will give us a new perspective on the debate.

Two major themes have come out of all this work. First, in this age of hyperconnectivity, instant communication and heightened identity, a modern union must be based not entirely on the legalisms of history or overly rigid interpretations of our unwritten constitution but on consent and the renewed attractions of belonging to a United Kingdom that fits into the 21st century.

Secondly, we are not talking about saving the union, which sounds backward-looking. We are talking about building a better union for the 21st century and beyond. Scotland is an ancient kingdom of unparalleled talent and influence. The last 300 years or so of British progress have depended heavily—almost entirely—on Scotland and its leadership in almost every sphere. Its international footprint is huge across the planet, with respect and detailed patterns of co-operation between neighbours that are outlined so well in the Dunlop review, which I have referred to. They are the very minimum that we should have been practising in the past, but we clearly have not done so with either Scotland or the other devolved nations.

Much more that is positive and highly beneficial to both partners in the union that is Scotland and England is now required. At the moment, we are struggling in the quagmire between reserved and devolved powers. On present trends, if we leave things unchanged, ahead there stretches a long avenue of bitter disputes as we ceaselessly try to define the limits between reserved powers and devolved powers. It is a struggle that can only ever be settled temporarily, because of a background of very fast-moving conditions with which tidy legal definitions can never hope to keep up.

For example, short of building a wall between Scotland and England, people can never be prevented from travelling and mixing, or families prevented from living between the two neighbouring states. Industry and trade conditions, woven together over centuries, can never be neatly kept apart, as the opposition of Holyrood to the Australian trade agreement implies that they can. It cannot be done. Security can never be split. It must cover every part of the British landmass to operate properly. For these integrated areas of life in the UK to work, there must be a new level of trust and respect and a new understanding, however much it is devolved in law. Throwing the legal book at the parties on either side cannot lead to consent. The only possible mix is one of practical arrangements, constantly being refreshed to meet new conditions, all within our joint, unwritten and highly flexible constitution.

Within that framework, many more powers can be devolved. The sovereignty of the Westminster Parliament can continue to be shared in practice, if not in theory, on the basis of being lent to a second Parliament in Scotland and, if it demands it, in Wales too. In Northern Ireland we already have one, in Stormont, although as we debated in this Chamber an hour or two ago, it is currently mired in local problems. As for the monarchy, that can continue to be shared. Most sensible SNP supporters—all but the extreme separatists—want that. Defence can be shared, foreign policy and external trade policy can be worked out first and shared, far more consensually than in the past, and then pursued by a joint and agreed team. For the rest, respect, real trust, good will and lots of reasonable flexibility can handle all the arrangements and keep our two old nations nicely in constant unison, powerfully reinforcing and renewing the union, to the infinite benefit of both and the other devolved nations as well.

It is all in our report before us today. I am biased in favour of Scotland, but I am also biased in favour of the union. For all the past bitterness, for all the arguments over our relations with our European neighbours and for all the differences, including even the gender ones which are in the news today, this is the formula that commands the real support among the utterly sensible majority of the Scottish people.