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Reinventing the Constitution: Can the State Survive?

By Robert Hazell

I should like to start with some thanks. To UCL for giving me this chair in Government and the Constitution. To CIPFA for sponsoring tonight's lecture. To all our other funders: to the nine charitable trusts who have generously funded the Unit, and to Stephen Rubin, our latest benefactor. And finally to all the Unit's friends and collaborators, many of whom are here tonight. I don't really regard this as a personal chair: it is a tribute to the work of the Constitution Unit. That work has from the start been a team effort - so I should like if I may to regard it as a collective chair.

The Unit has been extraordinarily fortunate in the quality of all the people who have worked for us and with us, both as staff and as volunteers. I've been fortunate in their ability, which is first class, and in their dedication. Working for the Unit is quite high risk. If I tell you that of my four Research Fellows one is funded until next summer, one until the autumn, and two currently have no funding at all, you will get the picture. I'm not complaining about this. It is a good discipline that all our projects have to be funded. But to those of you who judge the Unit by our steady stream of new projects and publications you should know how hand to mouth it is behind the scenes.

Think tanks and Whitehall

There is an irony here. People often ask me why our work isn't funded by government. It is true that government is our best customer, in terms of buying our reports. And one of the things that distinguishes the Constitution Unit from other think tanks is our closeness to Whitehall, aided by the fact that for most of my working life I have been a civil servant, and I still think like one. That is my

devolution to work will require a spirit of trust and generosity on both sides, in Edinburgh and in London. If that breaks down, what are the factors which might drive the Scots towards independence? Scotland no longer needs the Union for access to markets, which are now guaranteed in Europe by the EU, and globally by the World Trade Organisation; nor for defence, guaranteed by NATO. But Scotland may find it worth remaining for financial reasons, because of the much higher levels of public expenditure Scotland currently enjoys - the Treasury's latest figures put levels of government spending in Scotland 24 to 32 per cent higher than in England, on comparable programmes. And Scotland may choose to remain because of the other ties - the long history of movement between the two countries and of intermarriage, and the close links in civil society which bind us together. I shall say more about those at the end. If Scotland did decide to seek independence, that is not something which can be achieved unilaterally. It is not within the power of the SP to amend the Scotland Act - that is reserved to Westminster, which is the guardian of Scotland's new constitution. But more generally as the Canadian Supreme Court recognised in their landmark judgement this year on the question of Quebec's right to secede, it is a matter not simply for Quebec, or in our case for Scotland - it would require a negotiation with the rest of the Union. If that negotiation ever took place many of the fundamentals in terms of people's everday lives would remain unchanged - the Scots would continue to live and vote here, we would be able to live, work and vote in Scotland, the two countries would remain close neighbours, closely intertwined.

Devolution in Wales

In Wales the story is very different. The referendum passed by a whisker - 50.3 per cent. The turnout was only 50.6 per cent, so only one in four of Welsh voters approved the government's proposals. The Neill Committee recently criticised the conduct of the referendum, saying "". Neill was right to criticise the one-sidedness of the referendum campaign; but I would make a much wider point. The real criticism is that in Wales the referendum was rushed, and the people of Wales were bounced into a decision for which they weren't ready. Wales never had anything like the Scottish Constitutional Convention, to prepare the ground and to lead a public debate about the plans for a Welsh Assembly. There was no proper debate because the Wales Labour Party didn't want to expose the divisions within its own ranks. The Labour Party in Wales has always been split over devolution, going back to the 1979 referendum when the Gang of Six Labour MPs (including Neil Kinnock) campaigned against. And it is because of Labour's ambivalence that the proposals in Wales are so half hearted, with the peculiar compromise that the Welsh Assembly will have powers of secondary legislation only. This was the most that Ron Davies could extract from his anti-devolution colleagues on the executive of the Wales Labour Party. For him it was a start. He has often said that Devolution is a process and not an event. If it works, and if it helps to generate a stronger national identity and greater self confidence in Wales, then in time the Welsh Assembly will want to catch up with the parliaments in Scotland and Northern Ireland - bodies which are to have real legislative power.

Devolution in Northern Ireland

I turn next to Northern Ireland. To understand the politics you need to understand the psychology, which is that there is not one but two beleaguered minorities - the nationalists feel an oppressed minority within Northern Ireland, and the Unionists fear

they would be oppressed within a united Ireland. They also risk in demographic terms becoming the minority community within Northern Ireland because of differences in the birth rate. That realisation is what has driven the more far sighted Unionists to the negotiating table. The Good Friday Agreement which is the result will introduce compulsory coalition government, in which the Executive must reflect the balance between the two communities in the assembly, and must be led by a First and Deputy First Minister who are linked like Siamese twins. There are elaborate protections in the voting rules for the Assembly to ensure that neither community tramples on the rights of the other, through the requirement of parallel consent on all important issues, or in its absence qualified majorities. There is also to be a separate Bill of Rights for Northern Ireland, which will pay special attention to the need

Underpinning all this there will be an array of interlocking machinery, knitted together in the three Strands of the Belfast Agreement. Strand One is the careful balance between the two communities in Northern Ireland. Strand Two is the machinery which links Northern Ireland to the South, through the North-South Ministerial Council. Strand Three runs across the other way, linking the British and Irish governments through the British-Irish Intergovernmental Conference. And spun around the whole, in a slightly gossamer thread at this stage, is the Council of the Isles - a body which brings together the sovereign governments of the Republic of Ireland and the UK, the devolved governments of Northern Ireland, Scotland and Wales, and for good measures the Crown dependencies of the Channel Islands and the Isle of Man. It was hailed by some as the keystone in the devolution architecture, the missing piece which would tie all the other pieces together, but that is a misconception. For the British-Irish Council, to give it its proper title, can only discuss issues with an Irish dimension. It cannot discuss issues such as the distribution of spending to Scotland, Wales and Northern Ireland, or their representation in UK delegations to Brussels, because these are issues internal to the UK.

Those issues will be dealt with by yet another intergovernmental forum,ay Ag demo08 ageose o Scg008

different approaches on the part of the new government, deriving from separate strands developed in Labour's policy when in opposition, which appeared in separate chapters in Labour's manifesto. On the one hand there was a policy of devolution on demand, developed by Jack Straw, with regional chambers which are voluntary groupings of local authorities, indirectly elected, moving on to become directly elected Regional Assemblies in those regions which want, following a regional referendum. On the other there was a policy of economic development, developed by John Prescott, with the English regions perceived as lagging behind not because of any democratic deficit, but because they lacked powerful development agencies of the kind Scotland and Wales have had for the last 20 years. With John Prescott in the lead in government, as Secretary of State for the Regions, the economic approach is in the ascendant: so they have created nine new RDAs for England, but as national quangos appointed by Ministers and accountable through Ministers to Parliament. There is a nod to Regional Chambers, but as non-statutory bodies, and the accountability of RDAs to them will be secondary, giving an account to them as one of a number of regional stakeholders, but not being called to account.

Will it rest there? At this stage it is hard to say, but I think it is unlikely. The RDAs may prove to be a disappointment, because they have neither the budgets nor the powers of Scottish Enterprise or the WDA. And at that point the regions may demand more. Already the Campaign for a Northern Assembly has hoisted its flag in the North East, and last year the Regional Planning Forum to the south changed its name to the Yorkshire and Humberside Assembly. These regional groupings, found with different names in all the English regions, have joined together in the English Regional Associations [quote] to keep interest in regional government alive.

But they face some high hurdles if the Labour government adheres to its other policy of Regional Assemblies developing only after a regional referendum. For that policy also demands a 'predominantly unitary structure of local government', so that regional government should not be yet another tier - but that amounts to the counties committing suicide, something they are unlikely to do voluntarily. It also requires no overall increase in public expenditure, which we should know from previous reorganisations of local government is wishful thinking. But the greatest threat of all to regional government is a late entry on the inside track of directly elected Mayors. They pose a threat because they may prove to be political rivals. This is well illustrated in the North East, the home for the Northern Assembly. What if Newcastle votes to have an elected Mayor? He would be a prominent regional politician, and he might not welcome the idea of a Regional Assembly whose leader would claim political leadership of the North East. There might not be political space for both: but in terms of timing elected Mayors may be the first to occupy the field.

Quasi-federal Britain

Before leaving devolution, what can we say about the devolution settlement as a whole? How will it reshape the State? It will introduce what I can best describe as a form of quasi-federalism. Its federal characteristics include a **formal division of legislative power**, of the kind found in federal constitutions; **entrenchment**, but by the political means of a referendum; the creation of a **new constitutional court** in the Judicial Committee of the Privy Council, which is the body chosen to adjudicate in devolution disputes; formal machinery to handle **intergovernmental relations**, of the

kind I have described; and **dual national identity** - the new devolved assemblies will sharpen people's sense of dual identity, with people seeing themselves as being Scottish, Welsh, Irish and English as well as being British.

On the other hand there will be big differences from classic federal systems, which mustn't be ignored. There will be no constitutional entrenchment of the kind found in federal systems, where the constitution defines and protects the powers of the states. In the UK Westminster can unilaterally rewrite the constitution of the devolved nations: as it did when it abolished the Stormont Parliament in 1972. Secondly, devolution will be asymmetrical, unlike the uniform division of powers normally found in a federation. Third there is the problem of English dominance, with 85 per cent of the population: in most federations no state represents more than one third of the whole. Fourth, there is the lack of English political institutions: Scotland, Wales and Northern Ireland are to have their assemblies, but there will be no parliament for England. Fifth, there is to be tight financial control by the centre: in no federation does central government retain such tight control as it will in the UK, where two out of the three devolved governments will be wholly dependent financially on central government grants.

There is also the fluidity of the devolution settlement. It will continue to evolve, and may never reach a steady state. We shouldn't necessarily be dismayed at that. It is in the nature of territorial politics that the balance of power between the centre and the regions is continually renegotiated - even in federations. We have just witnessed a dramatic renegotiation, which will take time to settle down; but it will never settle down completely. France and Spain introduced a regional tier of government 20 years ago which has still not settled down. The tensions and accommodations between Quebec and the rest of Canada will continue to trouble every generation. That gives part of the answer to those who preach a fully federal solution for this country. It wouldn't work because as I explained in the CIPFA lecture last year we are a union, not a unitary state, whose component nations joined at different times and on different terms. We need to recognise and allow for that difference, that underlying asymmetry, and to put in place machinery at the centre which can cope with the new tensions which will arise now the devolution genie is out of the bottle.

Rebalancing required at the centre

Generally there needs to be far more adjustment and rebalancing at the centre than is currently appreciated. In the remainder of this lecture I want to look at the changes required at the centre for the new constitutional settlement to function properly. I will look at them under the headings of the three main branches of government: the changes required in the executive, the legislature and the judiciary.

Pressures on the courts

Let me start with the judges and the courts. The courts will play a central part in shaping the new constitutional settlement; and will themselves come under much greater public scrutiny. They will be called upon to adjudicate in high profile political cases, whether devolution disputes or clashes of controversial human rights; and they will experience a significant increase in their workload, from ECHR incorporation and from devolution. Will the courts be able to take the strain?

The strain will be particularly great on the higher courts. Judicial review, which has been a major growth industry, will see another surge of activity; leading to an increase in the number of Queen's Bench judges who specialise in the 'new administrative law'. And in the Court of Appeal and the House of Lords the lack of back-up for the judges will become more sharply exposed: they may decide to follow the example of other Supreme Courts and institute a system of law clerks or assistants to provide them with research support.
Inside Government more thought has been given to the impact of ECHR than of devolution. In terms of the workload on the courts that is probably right; but devolution will impose a different set of strains. It will require a strong legal system, and a system which commands confidence and respect on all sides, to hold the Union together when the politics comes under strain. In this respect the choice of the Judicial Committee of the Privy Council as the final arbiter of devolution disputes looks rather odd. It is not the final court of appeal in the UK legal system, but stands largely outside it; and its constitutional jurisdiction in the rest of the Commonwealth has declined almost to zero. It may prove to be a temporary arrangement which will be re-opened when wider reform of the House of Lords opens up the question of whether we now need a supreme court which stands clearly at the apex of the legal system and outside the legislature.

The Judicial Committee of the Privy Council risks creating a dual apex for the legal system in devolution cases (although the House of Lords has discretion not to refer devolution issues across to the Privy Council). But it does offer flexibility in providing a larger pool of judges which can be increased more easily than the House of Lords to include some with connections with Wales, Scotland and Northern Ireland (although it

might be needed here, and how judges can best tap into it and make use of it. We are also planning a wider study of the higher courts, related again to devolution and the ECHR, but also to the second stage of Lords reform, to explore whether the time has not come to have a free standing Constitutional or Supreme Court.

Rebalancing at Westminster

Mention of Lords reform brings me to the next branch of government which will need rebalancing at the centre, and that is Westminster. At Westminster both Houses of Parliament will need to rethink their structures and their procedures as Westminster adjusts to becoming a quasi-federal Parliament post-devolution. In the House of Commons there will be a small reduction in the size of the House, when the number of Scottish MPs is reduced at the next boundary review to bring their numbers down to the same electoral quota as England - a reduction from 72 Scottish MPs to 57. Wales is similarly over-represented, but for reasons which have not been explained the government proposes no reduction in Wales' 40 MPs. I hope that fairness will prevail here too, and that Welsh representation will also come down to the English quota, which would give her 33 MPs. There will also be a reduction in the number of Ministers. The Scottish, Welsh and Northern Ireland Offices currently have 14 Ministers between them. All except the Secretaries of State are likely to go, representing a small but significant loss in prime ministerial patronage: the Government payroll will shrink from 96 Ministers and Whips to around 85.

Second, there will need to be a new set of rules defining those devolved matters on which debate will no longer be allowed at Westminster. Here the best precedent is to be found in the history of the Stormont Parliament, and the Speaker's ruling in 1923 that matters devolved to the new Government in Northern Ireland could no longer be raised at Westminster. It did not prove wholly watertight, and any new ruling will be challenged and tested far more vigorously than was the Stormont one - not least because in place of the dozen Northern Irish MPs at Westminster in the Stormont era there will be over 100 Scottish, Welsh and Northern Ireland MPs post-devolution, who will lose much of their constituency business to the new (nster. ere will T0.0007 Tc-0rteSheaterinist

are already almost *de facto* English committees, since in Scotland and Wales these matters fall within the remit of the Scottish and Welsh Office. With minor modifications this arrangment could be formalised, with 'English' Standing Committees and Select Committees to deal with exclusively English matters. This, perhaps coupled with more specific 'English' ministries, with their own question times, might make the omnibus scrutiny provided by an English Grand Committee superfluous.

Finally it is worth noticing a side-effect of the devolution scheme in Wales, which if it is to work will have a significant impact on the drafting of statute law at Westminster. This is because the Welsh Assembly will have powers of secondary legislation only: its powers will therefore depend on the amount of discretion offered by the laws passed at Westminster. The Assembly is likely to demand greater room for manoeuvre within a broader statutory framework. The extremely detailed, complex statutes in which the parliamentary draftsman seeks to cover every eventuality will no longer meet the case. The pressure from the Assembly will add to the voice of those who have called for clarity, simplicity and brevity in drafting, with statutes laying down general principles in the European manner, rather than dealing with problems in detail.

Reform of the House of Lords

As important will be the changes in the House of Lords. Since time is limited I will talk only about stage two. The Unit has advocated a step by step approach to Lords reform, and an inquiry of a more high powered kind for stage two than can be achieved by a parliamentary committee, which was the proposal in the government's manifesto. So I was delighted when Baroness Jay announced last month that there was to be a Royal Commission for stage two; and particularly pleased with the terms in which it was announced, which could have come word for word from our own Briefing. The breakthrough is that for the first time the government has started to make connections between different parts of the constitutional reform programme. What Margaret Jay said was that she wanted the Royal Commission to think about the role of the House of Lords against the background of the other changes - devolution, the growing influence of the EU, the incorporation of the ECHR, and possible changes to the electoral system for the House of Commons. This has to be the right approach: it moves the debate on from narrow arguments about composition, and it recognises that the whole of our constitutional architecture is changing, and the role of the Lords is likely to change with it.

The Unit hopes to contribute to that debate, through a major study we are conducting of the role, functions, powers and composition of second chambers in seven other countries - Australia, Canada, France, Germany, Ireland, Italy and Spain. For me the most interesting question is how the second chamber integrates with the other parts of the political system. In a quasi-federal Britain one role for the Lords would be to represent the nations and regions, as second chambers in federal systems represent the states and provinces. This could help counteract the centrifugal political forces released by devolution, and give the devolved governments and assemblies a stake in the institutions of the centre. How strong a stake would depend upon how they were represented. It does not follow that to be 'democratic and representative' (to quote the Labour manifesto) a second chamber has to be directly elected: something the

That is the logic of devolution; but the politics may dictate otherwise. The Secretaries of State may remain in being for symbolic reasons, or political balance, or patronage for some time after there has ceased to be a real job to do; and the titles may remain long

Freedoms. A great effort was made by the federal Department of Justice to review existing legislation and bring it into line with the Charter. Between 1982 and 1985 an omnibus Bill was introduced each year designed to make pre-1982 legislation Charter-proof. On new legislation, the Attorney General must report to Parliament before the Second Reading of any Bill on its compliance with the Charter.

The Charter has had a far-reaching impact on the way policy is made and legislation is prepared. A few expensive landmark cases had a seismic effect on the Government.[4] Many interest groups now frame economic and social policy claims against the Government in terms of Charter rights and freedoms. This has forced Canadian law-makers and administrators routinely to consider Charter implications when drafting legislation and regulations. It has led one commentator to conclude:

'Self-regulation has probably been a more important source of rights protection in the long run in Canada than judicial outcomes, although the latter clearly reinforces the inclination to engage in the former'.[5]

The Canadian Supreme Court has applied a large and liberal interpretation to the Charter. As a result of adverse judgements the Canadian Government and its provincial counterparts began to require that policy proposals were scrutinised with the Charter in mind at much earlier stages of the policy process, and not when the department's memorandum was being prepared for submission to Cabinet. A survey of senior officials concluded that these new ways of policy making inevitably make a difference to the outcomes:

'Many governments have instituted new procedures or bureaucratic structures designed explicitly to ensure that the Charter is taken into account at the earliest stage of the policy process ... The senior officials participating in this study believe that 'Charter values' have now been deeply and permanently integrated into the attitudes of government decision makers across the country'.[6]

They also argue that the Charter has altered the balance of power within Government, increasing the status and the role of Attorneys General and their legal advisers as they were involved at an early stage in the policy-making process:

'In many governments the Attorney General has been constituted as a new central agency with a range of power and influence rivalling only that of the Finance Department'.[7]

In the UK much will depend on how seriously Ministers take their new obligations under the Human Rights Act; and on early decisions of the courts, which may help to concentrate minds in Whitehall. If the Canadian experience is replayed here there will be a need to tighten up the procedural side of the policy making process, and to make human

Attorney is not normally a member of the Cabinet. It would also centralise a process which properly belongs in departments. What the Canadian experience shows is that the process of checking for compliance with human rights should not start when the legislation is being drafted but should be an integral part of the earlier stages of determining policy aims and objectives. Moreover, any central scrutiny for compliance should not absolve Government departments of their primary responsibility, and their need to develop internal expertise and understanding.
This will require greater involvement of legally qualified staff in the policy process itself as opposed to retrospectively; with concomitant effects on the organisation of Government legal services, and the professional formation of administrative civil servants. The policy process itself will have to be a more rule based exercise (see Figure 8.2). This will make it both more deliberate and more protracted. Officials, where they are not legally trained, will need to acquire a deeper knowledge of legal requirements and procedure. The gap that has in this respect existed between Continental and UK civil services will narrow.

The first thing which strikes the outside observer is the fragmentation of responsibility for the different items in the constitutional reform programme. The lead is currently divided between eight Whitehall departments: the Home Office, Scottish Office, Welsh Office, Northern Ireland Office, Department of the Environment, Transport and the Regions, Foreign Office, Lord Chancellor's Department and the Cabinet Office. The Cabinet Office provides the Constitution Secretariat which services the main Cabinet Committee on the constitutional reform programme (CRP), and all its sub-committees: on Devolution, the ECHR, freedom of information and Lords reform. The secretariat performs the classic Cabinet Office role of circulating the papers submitted by departments and briefing the chairman (CRP is chaired by the Prime Minister, and the sub-committees are all chaired by the Lord Chancellor). It does not lead on any of the policy save on Lords reform, where the lead minister has no department to support her.

In time the need will develop for a stronger focus for the programme as a whole, and for a central unit which is responsible for the constitution in a more strategic and proactive way than the Cabinet Secretariat is normally allowed to be. The Constitution Secretariat needs to go on servicing the CRP network of committees, but it also needs to develop a capability to look ahead and to conduct or commission research in a manner similar to the specialist units in other parts of the Cabinet Office, like the Citizen's Charter Unit, the Social Exclusion Unit or the new Innovation and Performance Unit. This would fit in with Sir Richard Wilson's wish that the Cabinet Office should develop greater strategic capacity to identify future opportunities and threats, as part of its new corporate headquarets role. But the Constitution Secretariat cannot do this without ministerial cover: there needs to be a strong central minister with a similar strategic role, who can lead the constitutional reform programme and give it coherence.

Another function which will fall to the Cabinet Office to lead on is the conduct of intergovernmental relations with the new devolved governments. Here we will need quasi-federal structures: the organisation of bodies like the Council of Australian Governments and the Canadian Department of Intergovernmental Affairs show how the machinery is likely to grow. The Whitehall structures needed to manage IGR with the devolved governments might be based initially around the rump offices of the three territorial Secretaries of State, but in time they must fall back into the Cabinet Office,

where they will be managed by the Constitution Secretariat, just as the European Secretariat manages and coordinates all relations with the EU. The Constitution Secretariat has already been tasked with providing the British secretary for the proposed Council of the Isles, which suggests where the IGR support function will come from. And to lead it the Cabinet Office will need more ministers, and more senior ministers, than are normally assigned to it; intergovernmental relations is not something to be managed by someone towards the bottom of the Cabinet rank order.

A strong ministerial lead is necessary not only in Whitehall but outside, to explain the constitutional reform programme to the wider public. These are fundamental changes in our system of government which are being introduced with a minimum of explanation. For electoral reasons Labour was largely silent about their constitutional reform plans during the election campaign except in Scotland and Wales. In their first session of the new Parliament they have introduced 11 constitutional bills, listed on my first slide, with more to follow. Yet in the first year of the new Government the silence has continued, apart from the referendum campaigns in Scotland and Wales, Northern Ireland and London. The English could be forgiven for thinking that devolution is some special deal for the Scots, the Welsh, and the Northern Irish, because no one has troubled to tell them otherwise. This matters because for devolution to work it requires goodwill on both sides.

It will also require a shared sense of national identity and of citizenship. This is not within the control of Government in quite the same way as other levers of power; but it is a matter on which the Government needs to give a lead, in its actions and its words, to bind the Union together in order to counter-balance the centrifugal political forces of devolution. The Government needs to understand and allow political space to those forces, and the regional and national loyalties which underpin them; but it also needs to understand and articulate clearly a sense of the wider loyalties which bind us together at the level of the nation state, and to foster a sense of loyalty to the Union. This is not an easy task, because of the confused national identities which people have as a result of the UK being a multi-nation state (particularly the English). It will require an acceptance of multiple identities, and indeed a celebration of them, as the Government has shown itself ready to accept in Northern Ireland (in the preamble to the Belfast Agreement the Government 'recognize the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both ...'). And it will require a clear statement of the common core of rights and responsibilities shared by all UK citizens. This goes much wider than formal statements of rights and responsibilities, such as the ECHR, because national identity needs to convey a sense of the mutual obligations which go with being members of the same national family: mutual obligations between

These things matter because these are very big changes in our system of government which have been introduced with the minimum of explanation. The Government is silent because constitutional issues are not the top priorities in middle England, among voters generally, or even among Labour supporters. Voters' priorities are the bread and butter issues of the economy, jobs, the health service, as they have always been. But the delivery of those services will be hugely affected by the constitutional changes being set in train. The public need to be prepared for those changes, not all of which will necessarily be welcome. The bland theme of modernisation is not a sufficient explanation. There needs to be a strong and coherent story about the benefits of bringing Government closer to the people, and linking constitutional reforms to the delivery of the public services which people value.

To be strong the story needs to be consistent; but the Government's programme at present is shot through with inconsistency and hesitations. Despite the devolution programme much of the Government's language is centralising in tone, and in major parts of the constitutional reform programme it is still ambivalent. We may have passed the high water mark in the huge burst of legislative energy in the first session, and from now on we may see retreat and retrenchment: the Government wants a Human Rights Act but no Human Rights Commission - at any rate not yet; devolved assemblies which cannot be trusted with tax raising powers; and it may come to prefer an appointed House of Lords which will not present a threat to the House of Commons. In a number of areas the reforms risk being broken backed for lack of commitment or resources.

But this lecture has also tried to bring out how many of the constitutional changes will release powerful dynamic forces which will be beyond the Government's control. Where devolution takes us will depend now on the new political leaders in Scotland, Wales and Northern Ireland, and in time the regions of England. To come to terms with the new political culture the centre will have to relax and be willing to let go. It will have to treat the devolved governments as equal partners, not subordinates. The centre needs to understand and respect the political forces which have been unleashed, and to channel and direct them by working with the flow. Constitutions alone cannot bind nations together: but constitutions embody values, and to work they need politicians who accept those values and can give force and expression to them.