

# M O N I T O R

## The Constitution Unit Bulletin

### Constitutional Futures

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**I**n his inaugural lecture last month Robert Hazell highlighted some of the main themes in the Unit's forthcoming book *Constitutional Futures: A History of the next Ten Years*, which will be published by OUP in February. These themes will be further discussed at a major conference that month.

The book is the most ambitious project the Constitution Unit has yet undertaken. The Unit has funding

*New Annual Subscription; see page 5*

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Forum) and Professor Helen Wallace (Sussex). They kindly came to regular meetings of a Steering Group to discuss draft chapters as the book gradually took shape.

However, the result is more than a collection of essays by individual authors. It is a collective attempt to explore the linkages between the different elements in the reform programme, and to develop a better sense of where the programme as a whole may be taking us. The book has a dozen chapters, analysing the impact of the constitutional reform agenda from a wide range of different angles: devolution, Europe, the courts and the legal system, the political and party systems, Westminster, Whitehall, the environment, citizenship and national identity, the nature of the new constitutional settlement.

In his lecture Robert Hazell was able to touch on only a few of the main themes: the huge scale of the changes, most of which are irreversible; the unfolding and dynamic nature of the devolution settlement; and the changes required at the centre if the new constitutional settlement is to rest on sure foundations.

### **The courts**

Changes are required in all three branches of central government: in the executive, the legislature and the judiciary. 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. That will throw the spotlight on the judges, and on the system for their appointment - in human rights cases on their gender and social background, and in devolution cases on the territorial balance. In government more thought has been given to the judicial 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 pressures. 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.

### **The Commons and the Lords**

At Westminster both Houses of Parliament will need to rethink their structures and procedures as they

## Neill Commission on party funding

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This autumn has seen the publication of two key reports: one from a committee headed by Lord Neill, the other from a commission under Lord Jenkins (see below). Although it is the latter that has attracted most of the publicity, the implications of the former are arguably as significant for the UK's party-based system of democracy.

Neill argued that party funding needs reforming from two angles. First, *raising* money, where the Committee recommended the disclosure of any donation at or above £5,000. With the partial exception of the Conservatives, this reform was largely supported by the parties and commentators.

More controversial was Neill's argument that rules covering *spending* were also required. The Committee remained "agnostic" on whether money could 'buy' elections. Of more concern was the possibility that ever increasing spending could reduce politics "to mere consumer preference". As a result, the Committee recommended that election spending be capped at £20m per party.

elections generally. Jenkins also saw a need for an independent body to oversee conduct of referendums, plan a civic education programme, and advise on the question.

The most pressing is the report of the Neill

# Constitution Unit News

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**Spring lectures, seminars & conferences**

# Constitution Unit Reports

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## **Voter understanding of new electoral systems**

In May next year, people in Scotland and Wales will be asked to vote for assemblies using a new voting system. In June, people across the UK will use a new method of election to decide who gets to represent them in the European Parliament (assuming passage of the legislation!). In 2000, it will be the turn of Londoners, who will use two different voting systems to elect the assembly and mayor.

Before each of these elections, a key task will be to prepare the voters so they are clear what the new systems mean, and how they should complete the ballot forms. To inform this, the Unit - in conjunction with Social and Community Planning Research - has conducted research on the information required by voters, and the optimum design of the ballot paper. The research has been supported by a grant from the Gatsby Charitable Trust, along with co-funding from the Home, Scottish and Welsh Offices and the Government Office for London.

While full analysis of the research data is still being undertaken, some preliminary findings are clear. First, the focus groups highlighted the public's lack of interest in electoral systems; education campaigns prior to the elections (and lobbying efforts ahead of the PR referendum) will need to work hard to engage the public with the issues. Second, understanding of the current first past the post system is low. While most people understand what a candidate has to do to win a seat, many fail to appreciate the system at the level of overall outcomes - in particular the opportunity to win seats, or form governments, on a minority of votes. The pre-referendum education programme will need, therefore, to explain not only the alternative system on offer, but also the existing one. Though members of the focus groups were initially attached to first past the post on grounds of

## **The New Northern Ireland Assembly - Transition programme**

As part of the preparation for the New Northern Ireland Assembly a series of seminars have been held for its newly elected members. The Unit has been involved with the planning of the seminars and on Thursday 24 September Robert Hazell and Richard Cornes were in Belfast to speak at one of the seminars. The overall theme for the session was, 'The New Northern Ireland Assembly - Relationships with Other UK Assemblies'.

Robert Hazell spoke on lessons from overseas intergovernmental bodies, focusing on the Nordic Council. Richard Cornes spoke on checks and balances in single chamber parliaments, drawing on work carried out earlier in the year in relation to the Scottish Parliament. Other speakers included: Professor Brigid Hadfield (Belfast University), who chaired the day; Simon James (Cabinet Office Constitution Secretariat); and speakers from the Scotland and Wales. The seminar was highly interactive, with members of the Assembly given the opportunity to query all the speakers about a range of issues they expect to face once the Assembly begins meeting in early 1999. The Unit will be following the progress of all three new assemblies as they begin operation in 1999. Contact: Richard Cornes.

## **A Panacea for Local Government? The Role of PR**

In all the debates about proportional representation, one level of government has been conspicuously absent. *A Panacea for Local Government? The Role of PR* seeks to redress the balance by analysing the likely impact of electoral reform at the local level and places it within the wider context of other proposed changes to local government structures.

Is PR a panacea? The answer, of course, is no. There are important and useful changes that would flow from its introduction, the most obvious would be to boost the representation of opposition councillors in councils up and down the country. So called one-party states, where a single party has over 85% of the seats would be eliminated. The presence of opposition members in the council improves scrutiny

# Bulletin Board

## New publications by the Unit

Single Chamber Parliaments: a Comparative Study (Stage Two) (October 1998) £10

A Panacea for Local Government? The Role of PR (October 1998) £5

The British-Irish Council: Nordic Lessons for the Council of the Isles (October 1998) £8

An Appointed Upper House: Lessons from Canada (November 1998) £5

Public Understanding of New Voting Systems (January 1999) £10 report, £5 briefing

## Forthcoming Publications by the Unit

Constitutional Futures: A History of the Next Ten Years edited by Professor Robert Hazell (OUP, February 1999) £18 (see page 2 for discount price).

'Democracy Day' Planning for the referendums on Lords reform and PR by Ben Seyd (January 1999) £5.

## Forthcoming events

**Human Rights Act 1998 - The Implications for Children** Tuesday 26 January 1999. NSPCC & Save the Children Conference, One Great George Street, London SW1. For further details please contact Specialist Conferences Ltd. Tel 0171 727 9732 Fax 0171 221 5187.

**Constitutions and the Politics of Identity** 3-6pm Wednesday 27 January 1999. King's College London Legal Theory Seminars. For further details please contact: Adam Tomkins, John Gardner or Tim Macklem on 0171 836 5454.

**Liberal Constitutional Theory Revisited** 3-6pm Wednesday 10 February. King's College London Legal Theory Seminars. For further details please contact: Adam Tomkins, John Gardner or Tim Macklem on 0171 836 5454.

## Publications received

A Human Rights Commission: the Options for Britain and Northern Ireland by Sarah Spencer and Ian Bynoe. £7.50 (IPPR). To order please contact Central Books Tel 0181 986 5488 Fax 0181 533 5821. ISBN 1 86030 060 X.

How should we vote? Democracy and Voting Reform in the UK by David Beetham, Democratic Audit Paper No. 16 (£15). To order please contact Democratic Audit, PO Box 18000, London N1 7WW. Tel 0171 684 3850.

Lords a' Leaping by Edward Heathcoat Amory, Centre for Policy Studies (1998) ISBN 1 897969 79 1. £7.50. Tel:1. 49 96 133e5w[]TJII:1. 49 96 13eU00.9(con1