



The **Constitution** Unit

**A Modern Parliament in a
Modern Democracy**

**State of the Union Annual Lecture
by Rt Hon. Robin Cook MP
Leader of the House**

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Chancellor's Hall, Senate House, University of London

It is an honour to be invited to give this lecture to the Constitution Unit on the publication of their report on the State of the Nations. One of the unequal contests between government and opposition is the difficulty of an opposition to obtaining quality advice in preparing its plans for government. It is for that reason that after taking office in 1997 we trebled the amount of Short Money available to the opposition parties.

It has long been clear that a high priority for the incoming Labour Government would be constitutional reform. Indeed our first Parliament witnessed a degree of constitutional reform which probably has no match in terms of breadth or significance since the great reform acts of the nineteenth century. It would have been much more difficult to have moved so rapidly and so extensively if we had not benefited from the expert and detailed work on the reform programme by the Constitutional Unit.

Our reform programme may have covered many different issues, but it retained coherence through a common set of principles.

That the British State was too centralised and that power should be brought closer to the people.

That the pluralism of modern Britain should be reflected in a constitution that was flexible enough to accommodate and to give expression to its diversity.

That transparency and access to information is an essential guarantee of democracy and check on authority.

Devolution: Past and Future

The first step in the reform package was to tackle centralisation by replacing it with devolution. Within twelve months of coming to office the Labour Government had passed legislation for devolution to Scotland and Wales, had provided referendums to demonstrate popular consent and put in hand the first elections to the two new bodies. That speed of change is all the more breath-taking given the preceding half century over which devolution had been debated but never delivered.

We were of course, warned by the Jeremiahs before we embarked on our reforms that mutilating the antique beauty of the British constitution would bring down a devastating curse upon us. Famously John Major accused Labour of threatening to undo a thousand years of history, to which Tony Blair retorted that a thousand years of English history took us back to Aethlred the Unready who was a surprising

source of inspiration. Two years after power passed from Westminster to the devolved bodies in Scotland and Wales, it would be vain to search for evidence that they threaten the cohesion of Britain.

I would not presume to speak at first hand for the experience of Wales, but as a Scottish MP I am proud that we delivered devolution through a Scottish Parliament. It has proved popular, with a higher turnout of the Scottish electorate in the election of the Scottish Parliament than in the subsequent General Election. It has enabled Scotland to pursue distinctive policies to meet Scottish needs. It has increased the capacity for Scottish legislation; Westminster typically considered only a couple of specific Scottish Bills every year, but Edinburgh has already passed twenty-seven. The Parliament and its Executive have had their fair share of the trials and tribulation of any democratic institution in an open society, but for all that no party now regards it as a realistic political project to attempt to take the Scottish Parliament away from the Scottish people.

Nor has devolution in Scotland led to the slippery slope of which the Jeremiahs warned us. On the contrary the surveys of public opinion – such as John Curtice’s chapter in the volume being launched this evening – reveal an interesting and healthy political trend. On the one hand there has been a rise in the number of Scots who spontaneously describe themselves with pride as Scottish, but at the same time there has been an increase in the number of Scots favouring devolution over independence. It is always prudent to remember that, as the Financial Services Authority might put it, opinion polls can go down as well as up, but the evidence so far is that devolution has achieved its strategic objective of providing a focus for Scottish identity within the Union and has thereby improved the cohesion of Britain rather than undermined it. Of course the real test of the stability of the new structures will come only if Westminster and the Scottish Parliament are no longer under the same political control, but as a loyal Labour member it is no part of my brief to hasten that day for the sake of the experiment.

I myself always anticipated that one of the consequences of devolution to Scotland and Wales would be a bigger impetus to regional government in England. In our first Parliament the Labour Government made a number of important steps towards strengthening the regional dimension in government of England – such as the creation of Regional Development Agencies and the formation of Regional Chambers throughout each of the areas covered by Regional Offices of Government. The next stage for this Parliament will be to take forward the establishment of representative regional assemblies where the local people want them.

John Prescott and Stephen Byers will take forward our Manifesto commitment with the White Paper on regional Government. As John himself has expressed it this will offer a way forward for “the English regions outside London – with some forty million people – (that) are now virtually the only regions in Europe which don’t have some form of regional democracy or some form of regional representation”.

Unfinished Business: Commons Reform

To sum up the story so far. We made good progress on a broad range of constitutional reforms. Devolution to Scotland and Wales. Incorporation of the European Convention on Human Rights. Introduction of a Freedom of Information Act. Removal of the dominance of the hereditary principle in the House of Lords. The introduction of proportional electoral systems in Scotland, Wales, London and for Europe. And the intensive search for peace in Northern Ireland has restored devolved government and introduced new mechanisms for consultation with the Government of Ireland.

In preparation for today's lecture I went back and reread the report that Bob Maclennan and I produced five years ago as the prospectus on constitutional reform shared by both our parties. I was encouraged to see how much of the commitments that we jointly made have already been delivered. But one single Parliament is never long enough to secure all the changes that may be required in an area as broad in scope and as steeped in history as the constitution. There is still unfinished business. I was struck to rediscover in the report by Bob Maclennan and myself the observation

"No programme of reform could ignore the legislature. Parliament for all its faults remains central to national life. It is precisely because of the importance of Parliament in our national life that it is right to consider whether it does its job well and to suggest improvements that can be made which enable it to become a more effective legislature.

This country needs a Parliament fit for the twenty-first century."

Part of that project must be removing the last of the hereditary peers and completing the reform of the House of Lords. I would urge all those who wish to see that process succeed to take part in the consultation which the Government has initiated and which will not be finished until the end of January. But the greater part of that project is to modernise the House of Commons and it is on that subject that I want to focus my remarks tonight.

On Wednesday I will publish a programme of reform to create a Parliament fit for the twenty-first century. Its core proposals are designed to strengthen the Commons as a Chamber of scrutiny. It will provide for earlier and fuller scrutiny of Government legislation. It will strengthen the ability of the Commons Select Committees to carry out their role of scrutiny of Government action. It is firmly based on the principle that good scrutiny produces good Government.

I would stress that this reform programme is not a final package but the basis for consultation with Members and a final decision will not be reached for some months. I will submit it first to the Modernisation Committee, the creation of which was itself one of the recommendations of the Cook-Maclennan Report. I cannot today disclose the details of that paper until my colleagues on the Committee have

met to discuss it. What I want to do this evening is to address why reform of the House of Commons is urgent and necessary.

Let me be open first about my own prejudices. I love the Commons. If I had my time over again I would not have spent three decades of my life anywhere else. There were times when I was younger when it was difficult to get me to part from the building. On one occasion when I was Health Spokesperson fifteen years ago, I was locked in Library overnight because the House had risen and the security guard had reasonably assumed all sane Members had gone home.

But if we want to show true affection for the Commons, we do not do so by keeping it frozen in the traditions and habits in a bygone age. If we want the Commons to retain the affection of the British public then we must be willing to reform it so that it can match its status as the central institution of our democracy.

More than half of my Labour colleagues in the House have been elected in the past two General Elections. I greatly admire the enthusiasm of the new intake to fashion a modern Parliament that will enable them to fulfil the role for which their constituents elected them. Nobody expects an easy life when they are elected to Parliament. But they have a right to expect that the procedures and working practices of Parliament will enable them to do an effective job.

I understand that research being carried out at Edinburgh University shows that Members of the Scottish Parliament have high levels of satisfaction with their job. I am not confident that back-bench MPs at Westminster would share a similar level of satisfaction. I fear there are high levels of frustration with Parliament as a place to get things done. A survey by the Hansard Society this year found that only a dismal 2% of MPs thought Parliament was “very effective”.

The Need for Change

Parliament is confronted by accelerating trends in modern society which make it impossible for the Commons to continue as if there was no need for change.

The most alarming trend is disengagement from the process of parliamentary democracy by a growing proportion of the electorate. Turnout at General Elections has been on a long term decline and came down with a particularly heavy bump at the last election. There are many reasons for the latest drop in turnout. But part of the explanation must lie in the decline in respect for Parliament.

It is particularly disturbing that the perception of the Commons as irrelevant is so marked among young people, among whom turnout at the last General Election was worryingly low. Last night the Hansard Society released their results of opinion research among people who did not vote in the General Election, predominately young people. One of its most interesting findings was that among young people who were active citizens and who had attended a lobby group meeting or taken part in a demonstration a quarter of even them did not vote.

It is not apathy that explains the low turnout. Hundreds of the young people who crossed Europe to take part in the demonstrations in Genoa in July, probably did not cross the street to vote in the General Election in June. It is Parliament that needs to change to show that it can be a means of expressing the idealism of the young, not just a cockpit for party political sparring.

A more welcome trend has been the decline in deference in our society. As an egalitarian I can do nothing but celebrate as deference sinks below the far horizon. But I am surprised at how reluctant Parliamentarians can be to recognise the implications for ourselves. We can no longer count on veneration for the antiquity of our institution to maintain its status. We have to win that respect by proving that we do something useful.

Part of the problem is that the Commons remains highly polarised in an era in which the public has become more pluralist and more volatile in their party affiliations. A generation or two ago most people knew whether they were Labour or Conservative, and most of them did not change throughout their lifetime. The falling off of that old tribal loyalty is even greater than the decline in turnout of those who vote at all. Yet whenever the public tunes into Parliament they tend to be presented with an institution wallowing in party political mud-wrestling. It is that which turns voters off in droves.

Noisy exchanges have of course been the stuff of Parliamentary debate for centuries. Almost a couple of hundred years ago Lord Byron complained that Members of Parliament were more formidable as an audience than they were as speakers. But the world has moved on. A nation that is busily and gainfully employed has less patience with Parliamentary games.

If the Commons wants to earn respect it needs to adopt a business-like approach which reveal a Chamber more concerned with the public interest and less motivated by party advantage. This though brings us to the heart of the dilemma of modernisation of the Commons. I am pressed to provide Chamber procedures and Committee structures that will enable Parliament to do a better job of scrutiny. I believe the package that I will be unveiling later this week will enable the Commons to do just that. But it does beg the question whether Members really see scrutiny as the prime requirement of their job description.

Traditionally the Commons Chamber has not been dominated by the process of reasoned scrutiny, but by the confrontation of political partisans. It has been said that the Commons Chamber is the forum of a continuous General Election. In an era when public interest in General Elections is in steady decline, this may not be the best formula for restoring public interest and respect for Parliament.

The adversarial character of the Commons is a problem for Opposition as much as for Government. The procedural reforms we make will not turn the Commons into a House of scrutiny unless the Opposition accepts that its role is to improve

legislation, not just to obstruct legislation. Fortunately there is a new breed of MPs, on both sides of the House, who want to see Parliament become a place to improve the governance of Britain not just a forum for a four year build up to the next Polling Day.

The final challenge to Parliament is the decline in media coverage in Parliament. In the time of Disraeli, when the Commons was in session, more than half the news columns of 'The Times' were taken up with reporting proceedings in the House. Today more and more press coverage is about something labelled as politics and less and less is about proceedings in Parliament. This is made all the worse by the conscription of politicians to a role in a soap opera by a press which prefers tales of personality conflicts than reports of policy announcements. It is a vital constitutional principle that major policy changes should be revealed first to Parliament, but every Cabinet Minister knows the modern reality is that a statement in Parliament now attracts less media attention than almost any other way of making the announcement.

The loss of media interest in the Commons in part deepens the threat to Parliament, but also reflects the Commons' failure to maintain its own relevance. If we want Parliamentary proceedings to be more widely reported then we must come up with reforms that ensure those proceedings are more topical, and more comprehensible to the public. The House has come to eye up the Press Lobby as circling Apaches waiting to scalp us. In truth both the House and the Press Lobby need each other if we are both going to remain in business. It would be an admission of that symbiotic relationship if the House were to adopt working practices which gave the lobby a better chance to beat the competition for news coverage.

What then must we do?

In a supportive editorial today the 'Evening Standard' observes "Procedural changes will not of themselves restore Parliament's image". I entirely agree. The specific detail of any reform programme is probably less important than the need for a culture shift in the Commons. The Commons must be willing to embrace the spirit of change, not just amend the letter of Standing Orders.

We must recognise how antique we can look to any elector under 35. There is a problem of legitimacy for a parliament that does not change as fast as the society it represents. Today most of Britain conducts its business exchanges in a manner which prizes brevity and informality. When they look at Parliament they are perplexed by exchanges which are ritualised and sometimes, no doubt mistakenly, appear longwinded. It is notable that the new devolved bodies, such as the Scottish Parliament and the National Assembly for Wales, place much greater stress on committee work and rather less on plenary debate.

New technologies to communicate

The Digital Divide has entered our language as an expression of real concern that access to the new electronic technologies and the skill to communicate in them will become a new social barrier. However, there is a risk of a different Digital Divide - the communications barrier between those who communicate through the new technologies and those who are still stuck in the earlier communication systems of the oral tradition. Both Westminster and Whitehall need to do much more if they are to connect again with a younger generation that is more inter-connected with itself than ever before yet less accessible through the older technologies on which Parliament has hitherto relied.

That is the reason for the appointment of a new Cabinet Committee on e-Democracy, which I chair. That Committee will bring added impetus to our response to two key questions.

First, how do we harness the enormous potential of e-communication to develop interactive consultation on policy development? The Chartists demanded annual parliaments because in their day an election hustings was the best way to ensure communication between MP and electorate once every year. Today both Parliament and Government have an exciting, but largely undeveloped, capacity to communicate and consult with the electorate every day. I have no doubt that if the Chartists were alive today they would be demanding we make more of it. We should be looking, for example, for ways to make greater use of web-based policy forums and discussion groups.

The other issue which the Cabinet Committee on e-Democracy will be promoting is the use of electronic communication for voting purposes. To many electors the act of voting must appear a trip down memory lane. Polling Day must be the only point in the year when most of the electorate ever encounter a pencil stub - tied to a piece of string, no doubt because of its rarity value. Young electors do not find the technology of voting something that encourages them to regard the process as relevant to modern life.

There are bona fide issues about maintaining the integrity of democratic process, but there can be no excuse for making voting any more inconvenient than necessary. I am pleased to say that Britain will be the first country in the world to experiment with pilot studies in electronic voting in next year's local elections. In the light of that experience the Cabinet Committee will want to examine how quickly and how widely we can develop e-voting.

A representative Commons

The next area where Parliament must embrace the spirit of change is in making itself more attractive to candidates from all the different parts of British society, and that includes women. I regret to say that the Commons has a long tradition of

discouraging women. It was not until 1917 that the metal grille concealing the Ladies Gallery was removed, enabling women to be seen as well as to see. Even today, almost a century after the first woman was elected to Parliament, less than a sixth of the House of Commons comes from the gender that makes up the majority of the population. I for one would welcome a better balance of women so that the culture of the Commons less resembled a Pall Mall Club.

The Labour Party was wholly responsible for doubling the number of women MPs in 1997, and we are taking further steps to ensure that this trend continues. The Sex Discrimination (Election Candidates) Bill, which has already completed its House of Commons passage, will allow political parties to take active measures to promote more women candidates.

But Parliament will always have difficulty attracting representative women while its hours make it nigh impossible to combine duties to the House with duties to a young family. Not that excessive sitting hours should be considered a problem only for women Members. It is just as much a problem for male Members. I am a veteran of the 74-79 Parliaments and I have my campaign medals of regular all-night sittings to prove it. I have always regarded it as a loopy way to approve legislation. I have personally seen in the small hours a Member of Parliament wakened by his neighbours because he had just been called by the Chairman to move his amendment.

But the real question that we need to address on the sitting hours of the Commons is not when we rise, but why do we wait so late in the day before we start. In the business and financial world the hours at which work commences have crept earlier and in the media the closing times for deadlines come round faster. The Commons needs to consider whether it can remain stuck with hours that were originally adopted to enable Members to do a days work in the City or the Courts and still be present in time for the main debate at 4pm.

Let me offer a word of comfort for traditionalists. The House up to the turn of the nineteenth century sat in the mornings and afternoon. It was only with the invention of gas lighting that it sat into the night. Eric Forth, my shadow, by day or by night, has a charming distaste for all things modern. I am sure he would be dismayed to learn that something as modern as artificial lighting is the reason why the Commons is able to sit late into the night. He might find it easier to reconcile himself to the Commons sitting more often in the daylight hours by comforting himself that for five hundred years that is when Parliament met.

Keeping an Open House

The last culture shift the Commons must embrace is to make itself more accessible. If we want the public to treat us with respect, then we in turn must treat the public with respect. There are many ways in which the Commons could do more to make

its work more accessible and more inviting to the wider public whom we are there to serve. For example, in the age of the internet there is no reason why the proceedings of every committee should not be broadcast by web-streaming.

If the Commons wants its reports to be read, then it should adopt modern design, and utilise computer graphics and colour printing in committee publications. The House rightly attaches great importance to the Reports of its Select Committees, but those reports are still printed in a format with which Dickens would be more familiar than most modern readers. As a further barrier to accessibility, all the key pages are numbered in Roman numerals, which have probably not been taught at school since my generation.

Nor does the public receive that much respect even if they come to visit us. No-one observing how the public is herded around Westminster could form the view that these are the people who pay for its upkeep and elect its Members. Moreover, the information they receive tends to present Parliament in terms of its architecture and its history, not in terms of its role as an expression of democracy and their role as its electors.

I applaud the proposal being prepared by the Hansard Society for a proper Visitors' Centre in the vicinity of the Westminster area. This could harness the latest presentational technologies to provide an interpretation of Parliament and its role in our democracy. It would make a visit to Parliament a meaningful educational experience and provide a base around which we could organise a rolling programme by constituency or Local Educational Authority for the young people in whose hands the future of our parliamentary democracy rests.

There is no alternative

I have been much struck that some of the press comment on the forthcoming reforms have discussed it as if it were an optional extra. Others have described it as some kind of personal whim of my own. I regret there is not yet sufficient recognition that the Commons has no option but to change. Last month I addressed the congress of the party of Democratici di Sinistra at which my good friend Piero Fassino was elected leader. He stood on the slogan 'Change or Die'. It is a tribute to his courage that in spite of such a challenging slogan he attracted over 60% of the vote.

I am more urbane than my Mediterranean colleague. I would not suggest that the Commons is confronted with such a dramatic choice. But we should not be under any illusion. There will be a price to be paid if Parliament does not reform itself. It will increasingly lose relevance to the public, fail to attract the participation of the young, and be marginalised in the media.

Those of us who believe, with all its faults, that parliamentary democracy is the best, most accountable form of government must prevent the Commons from facing that price. Those who love Parliament the most are the people who are most determined

to reform it, and to preserve the prime status and role of the British House of Commons.

