

The Constitution Unit

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The Meaning Modernisation

Robin Cook saw the second stage of his modernisation programme through the Commons on 29 October 2002, when MPs voted by narrow margins for Modernisation Committee proposals • published in September 2002 (HC Paper 1168 2001–02). The main changes are:

- main business in the Commons to finish by 7pm on Tuesday and Wednesday and at 7pm on Thursday, with Friday sittings only for Private Members' Bills
- timing of statements and Prime Minister's Questions brought forward to lunchtime, with an 11:30 start for all days except Mondays and Fridays
- regular September sittings, with a break for the party conference
- support for the principle of prelegislative scrutiny
- government bills to be carried over from one session to another within a 12 month limit
- continuation of programming arrangements for bills for a further session, with a promise of greater consultation on timing with

Opposition parties

- a shorter notice period of 3 days for oral questions rather than 10
- time limited speeches in the main Chamber
- support for better visitor facilities at Westminster
- Westminster Hall debates to become a permanent arrangement

Attention focused on the new hours for the Commons, but there was broader support for the Committee's proposals on reform of the legislative process. The new hours will not reduce the time the Commons spends on legislation: the question now is to improve the quality of the scrutiny which takes place during those hours. Pre-legislative scrutiny was emphasised as an important component of a more considered approach to law-making, but it is not within the gift of the Leader of the House. It will only happen if more departmental. Ministers are willing to take the extra time of publishing bills in draft. The usual crop of Bills in the Queen's Speech did not reassure in this respect. The ability to introduce Bills later in the cycle of the session, now that Government bills have 12 months to pass in both Houses, should be of assistance, but departments need to be restrained from rushing out legislation which does not require immediate implementation.

It is not clear how the consultation with Opposition parties to allow more flexibility in programming will work. The concern is that this process will be far from transparent, thereby cutting out backbenchers from any role in allocating parliamentary time. The main changes come into effect in January 2003.

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The State of the Nations 2003

The unit's annual book on which will be given by Sir David special flyer enclosed with this devolution will be published in Steel at the City Chambers in mailing. To book a place at the the New Year, and launched at Edinburgh on 29 January. To order lecture please use the Events the State of the Nations lecture, your copy of the book see the flyer.

Parliamentary Reform

Modernisation—implications for the work of Parliament

The broad principle of the Modernisation disillusion over this earlier modernisation Committee proposals has been accepted. However, there are several areas where detailed work is necessary to achieve the aims of better scrutiny. Select committee chairs expressed concern in the debate on 29 October 2002 about the knock-on effect of the change in hours on the timing of committee meetings. The change in hours was achieved by a very narrow margin. The Liaison Committee was divided about the impact of the shift forward of the parliamentary day. Shorter speeches in the Chamber may not necessarily lead to higher quality of debate unless Members believe that it is worth contributing to more general debates, rather than attending to committee or constituency business. A Topical Question period in the Commons twice weekly, akin to the Starred Question procedure of the Lords, was favoured by the Procedure Committee, but an Opposition amendment to introduce it was narrowly lost during the modernisation debate. This initiative might have helped improve scrutiny in the Chamber and engaged the interests of backbenchers.

The real question is the reform of the programming (timetabling) of bills, introduced in 1997 ostensibly to improve scrutiny, but which in practice streamlines the government legislative programme. The written evidence of the deputy Speaker, Sir Alan Haselhurst, to the Modernisation Committee concluded that no more effective scrutiny had resulted. Instead, programming motions had become a blunter method of guillotining bills. The

experiment lies behind much of the Conservative opposition to the latest set of proposals. Less than 30 Conservatives voted for the Cook package and the minutes of the Modernisation Committee report reveal the defeat of a Conservative amendment which would have required agreement with the two major Opposition parties before any decision was made to carry over a Bill. Carry-over will assist with Bills introduced after Easter and should reduce the necessity to rush legislation through which has not been properly drafted. But the Government needs to ensure that more time is available at the appropriate stage for high quality scrutiny to take place. This means reducing the practice of tabling hundreds of Government amendments after standing committee stage in the Commons, and at the later stages of the Bill in the Lords. This habit may be difficult for departments to break, as it is convenient for them to load a bill with as many policy objectives as possible while a legislative window is available.

Reforms in the treatment of Bills in the Lords—due to start this session-must be monitored to check that the House which is not dominated by Government members continues to provide adequate scrutiny. There remains discontent in the Lords over carry-over; its Procedure Committee report only endorsed its use when pre-legislative scrutiny had applied. See the September Monitor for details.

Wicks Committee on Standards in Public Life Report

The Wicks Committee published its Eighth Report, Standards of Conduct in the House of Commons, on 21 November 2002. Their 27 recommendations • included:

- that an Investigatory Panel with an independent Chair, possibly a retired judge or a senior lawyer, should hear evidence to help the Committee decide on the most serious and contested cases
- that the Parliamentary Commissioner for Standards should have a non-renewable fixed term appointment of five to seven years, and should be given direct powers to call for witnesses and papers
- that no one party should have an overall majority on the Committee on Standards and Privileges, and

- no Parliamentary Private Secretaries should serve as members
- that the Committee should publish its reasons in full for any decision
- that the Code of Conduct for MPs should be reviewed during each parliamentary cycle, and external bodies should be consulted as part of this review process
- that fines should be imposed on errant MPs

Sir Nigel Wicks stated that his proposals would ensure a system of regulation that delivered "public confidence while carrying the confidence of the House itself". Full details of the report can be found on the Committee's website at: www.publicstandards.gov.uk

Lords Reform

The Joint Committee on reform of the House of Lords is expected to report towards the end of November 2002, but there is unlikely to be a vote before Christmas on its proposals. According to press reports, the Committee has not achieved agreement on the proportion of Members who should be elected and a number of options from 100% to 20% will be put to a free vote. (The Times October 28). No bill was announced in the Queen's

Speech, but reformers nevertheless hope for progress in establishing a detailed scheme for the second stage of Lords reform. The Joint Committee has a remit to examine powers and role as well as composition, but as ever the latter issue is likely to predominate. September's Monitor mistakenly omitted Baroness O'Caithlain from the membership of the Committee.

Lord Chancellor's Department Select Committee

With the transfer of Freedom of Information, Data trouble, with potential overlap with other Protection and elections to the Lord Chancellor's Department in June 2002, the need for a separate select committee to monitor its work has become pressing. However a new Standing Order to create a Justice and Constitutional Affairs Select Committee was not approved by the time the 2001–2 session ended. The reference to constitutional affairs caused

committees, notably the Public Administration Committee, which has staked out this territory with its Lords reform inquiry and its close interest in FoI. A new standing order is expected to be tied more precisely to the work of the LCD, with Alan Beith the frontrunner as Chair.

Parliament and the War

Considerable anxiety was expressed on Labour benches about the possibility of action against Iraq during the summer but backbenchers have no power to recall Parliament; this initiative lies entirely with the Government. The Standing Orders of the Scottish Parliament, in contrast, allow the Presiding Officer to decide whether circumstances demand a recall (*Herald* 10 September). The recommendation of the Hansard Commission on Parliamentary Scrutiny for a similar power for the Speaker stands no chance of support from the Government. After

the ex-whip Graham Allen attempted to set up his own unofficial recall, Tony Blair announced a special sitting on 24 September 2002. But there remains discontent over the extent to which Parliament is involved in decisions over hostilities. Early Day Motions sponsored by Mr Allen calling for Parliament to approve the use of armed forces and for the Speaker to grant early recalls are attracting significant support. This area of the royal prerogative is attracting greater critical scrutiny.

The Queen's Speech

The Home Office has the lion's share of bills this session, but an exclusively Welsh bill on the NHS will be welcome, following draft legislation last session. Three draft bills were announced, on corruption, private rented housing and management of nuclear liabilities. Draft legislation on corruption,

however, has been available for two years, following Law Commission work, without a slot being found for implementation. The commitment to make MPs subject to the criminal law in cases of bribery and corruption dates back to the 1997 Labour manifesto.

Devolution

Wales

Following the Queen's Speech in November, the First Minister Rhodri Morgan distanced himself from the notion of Foundation hospitals, making it clear that the 'consumerist' agenda being pursued by the government in England had little relevance in Wales. As he put it, "We are neither going down the foundation hospital route nor the top-up fees route.

We are still for universal provision rather than a variation of provision."

Morgan forecast that divergences between Cardiff and London on such issues would widen over the years: "That is what devolution is all about," he said. In this he was echoing an acknowledgement made by Prime Minister Blair at the Labour Conference a month earlier that differences between public services in the two countries were the inevitable result of devolution: "I agree with him [Rhodri Morgan] that the Welsh health service and schools are matters for the Assembly and the Welsh executive. If people in Wales want to do it in a different way they can—and it will be the people of Wales that will be the judge of that."

That judgement will come at the next Assembly election in May 2003 and the latest opinion poll, the first to be carried out in Wales since the 2001 Westminster general election, predicts the continuation of the Labour Liberal Democrat coalition in Cardiff Bay. With the 1999 Assembly election results shown in brackets, it gives Labour 29 (28) seats, Plaid Cymru 16 (17) Liberal Democrats 8 (6), and the Conservatives 7(9). Carried out by NOP for HTV Wales in mid November, the poll predicts the main winners to be the Liberal Democrats who move just ahead of the Conservatives to become the third party in the Assembly.

Overall, however, the poll suggests only small changes in the percentage vote compared with 1999, with the major shifts taking place in the Regional List, top-up constituencies. Predicted percentage votes given by the poll (with 1999 results in brackets) are: **First Past the Post**: Labour 32 (37.6), Plaid Cymru 27 (28.4), Conservatives 14 (15.8), and Liberal Democrats 13 (13.5); **Regional List**: Labour 32 (35.5), Plaid Cymru 31 (30.6), Conservatives 15 (16.5), Liberal Democrats 19 (12.5).

However, turn-out will undoubtedly be a key factor in the outcome of the election. It was only 46% in 1999, and the November 2002 poll suggests this will drop even further, with only 37% of the electorate saying they were certain to vote.

The poll indicates that differential voting between Westminster and Cardiff is now becoming firmly established. Even if Labour were to win a narrow majority, of say just one or two seats, Rhodri Morgan has made it clear that he might still seek another coalition rather than rely on backbench support from potentially dissident members on his own side.

Northern Ireland

If devolution in Northern Ireland has been a roller-coaster ride, this quarter the roller-coaster came off the rails.

The suspension of the devolved institutions in October was precipitated by revelations of an IRA spying operation taking in thousands of individuals and going as high as the British and Irish premiers. The suspension pre-empted a threatened walk-out from government by Ulster Unionist ministers. It was the fourth since December 1999 but Tony Blair, suddenly descending on Belfast, made it clear that this time only a fundamental reconfiguration—namely the sloughing off by republicans of paramilitary trappings—would allow the stars to be restored to the political firmament.

The prospect of assembly elections in May had concentrated everyone's minds. Selections in the UUP were indicating a drift towards anti-agreement forces and only Sinn Féin and the Democratic Unionist Party could anticipate the contest with equanimity. Few believed that a DUP-SF dyarchy in the Office of the First and Deputy First Minister could replace that between the UUP and SDLP.

More worryingly, opinion evidence during the quarter revealed a haemorrhage of Protestant support for the Belfast agreement, down to one third. Worse still, a majority of Protestants now

opposed power-sharing even with the SDLP, never mind SF.

The London and Dublin governments would not allow the DUP its 'renegotiation' demand when difficulties emerged across the institutions. Moving to the review allowed for in the Belfast Agreement doubtless appeared the least bad alternative. Roundtable talks, which the DUP pledged to boycott, were announced at the close of the quarter.

The direct-rule team taking over was not only augmented by two additional ministers—a signal that the hiatus might not be short-lived—but also by the replacement of the Northern Ireland secretary, John Reid, by the Welsh secretary, Paul Murphy (perhaps also a signal that Northern Ireland would not remain at the centre of the prime minister's political universe).

Many issues were tipped by the outgoing ministers into their successors' in-trays. The Programme for Government and budget were only in draft. The executive hyperactivity that had followed earlier criticism of sloth bequeathed many bills at various stages of progress. The SF education minister, Martin McGuinness, issued a parting shot by unilaterally announcing the prospective abolition of the '11+', to the chagrin of his unionist counterparts.

Scotland

The main news from the last quarter to attract media interest was the saga surrounding irregularities in the constituency finances of Jack McConnell's constituency party. Coming a year after the resignation of Henry McLeish following disclosure of irregularities in the financing of his constituency office it was little wonder that this should excite much attention. Significant differences, however, exist between the two episodes: McLeish was directly involved in the matter that brought him down, and McLeish's case involved public money rather than irregularities in party funds.

Other matters of significance have included the break-down in collective responsibility at cabinet level when Mike Watson, Culture Minister, was allowed to disagree publicly with hospital policy so long as he voted for the Executive's policy. Watson had a constituency interest in a proposed reorganisation in the south of Glasgow. There were more than the predictable number of calls for his resignation as Minister, including those from a former Scottish Office Permanent Secretary as well as from Susan Deacon, former Health Minister.

English Regions

The Queen's Speech on 13 November 2002 under the Local Government Act 1992. The Electoral announced that legislation would be introduced "to provide for the holding of referendums on the issue of regional governance in England". On 14 November, the Government introduced the Regional Assemblies (Preparations) Bill to Parliament, the first ever Bill to hold out the prospect of elected regional government in England. If it becomes law, the Bill will enable the Government, by order, to allow regional referendums to be held on whether a region should have an elected assembly. It would set out the question to be asked and those eligible to vote at a regional referendum. The Bill would also set out the conditions to be met before the Government could require a regional referendum to be held, including consideration of the level of interest in holding one. So it is possible that they may take place initially in only one, two or three regions.

The Bill provides for local government reviews to be conducted by the Boundary Committee for England of the Electoral Commission before a referendum is held in a region. Such a review would seek to determine the best unitary structure of local government, if an elected assembly is to be established, for those parts of a region that currently have both a county and district councils. The criteria and the procedures for the review would be the same or very similar to those for structure reviews which were won by independents.

Commission could also advise on the electoral areas for an elected regional assembly where, following a regional referendum, the Government proposes to establish one. Finally, the Bill provides a power for the Government to pay grant to regional chambers—for example, for their work as regional planning bodies.

The Queen's Speech also announced a new Planning Bill, which removes some planning functions from the county level and vests them with regional planning bodies, although it was unclear when the Bill would be published.

The CBI produced an especially hostile reaction to the Government's plans for elected Assemblies, but there were signs that some business voices might support devolution in regions like the North East, with a number of business leaders and their organisations breaking ranks. The TUC welcomed the Government's proposals for Regional Assemblies, but called for a statutory role for regional 'stakeholders' in any future structures of regional governance.

Only one mayoral referendum was held in the last quarter (in Corby) which produced a 'no' vote. Four mayoral elections occurred in October, three of

The Centre

There has been significant activity by the Joint Ministerial Committee this quarter. A meeting of the JMC on Poverty took place on 18 October 2002 and the annual plenary meeting of the JMC took place on 22 October.

The 18 October meeting was chaired by Gordon Brown and addressed the issues of poverty,

unemployment and childcare. The Chancellor said, "all four administrations across the UK are committed to tackling poverty and social exclusion. Yet all too often we measure our progress to these goals in different ways. Establishing a key set of indicators and, where relevant, a common approach, is not an academic issue; it is the bedrock on which different policy approaches can be tried and tested."

At the annual plenary meeting, the JMC reviewed progress over the past year and reaffirmed its commitment to devolution, despite the recent suspension of devolution in Northern Ireland. The meeting was chaired by the Prime Minister and attended by the Welsh and Scottish First and Deputy First Ministers, the Secretaries of State for Scotland and Wales and Lord Macdonald. John Reid, the then Secretary of State for Northern Ireland, did not attend because he was meeting Brian Cowen, the Irish Foreign Minister, at a British-Irish Inter-Governmental Conference. Des Brown from the Northern Ireland office stood in at the JMC as his replacement. John Prescott was also absent as he was making a statement in the Commons on the fire dispute. Topics discussed included the reform of public services and the fire dispute, as well as a review of working relationships between

Westminster and the devolved administrations. This review concluded that more could be done to improve understanding and to share best practice.

On 20 October 2002, Belfast MP Nigel Dodds called for more time at Westminster to be dedicated to Northern Ireland affairs, saying that thirty minutes a month was inadequate. Meanwhile, claims that Secretary of State for Scotland, Helen Liddell, has too much time on her hands have been raised once more, in an article in the Scotsman, and the fact that Peter Hain has retained his position on the Convention for the Future of Europe, despite becoming the Secretary of State for Wales, has prompted suggestions that this paves the way for the abolition of the Welsh Secretary's post. Hain has insisted that this is not the case and has promised to put Wales first.

Elections and Parties

Candidate Selection

The political parties have completed their candidate selections for the Scottish Parliament, Welsh Assembly and Northern Ireland Assembly elections to be held in May 2003. They are also finalising their selections for the GLA and European elections of May 2004. Most parties now use a form of membership ballot to select candidates although a simon.w.king@ucl.ac.uk.

great deal of control is still exercised by local selection boards made up of party officials. The Labour party is once again engaging in positive discrimination by placing women and ethnic minority candidates high on party lists. Further details on candidate selection methods can be obtained by emailing simon.w.king@ucl.ac.uk.

Electoral Commission

The Electoral Commission has recently launched a new website (www.electoralcommission.gov.uk). The site provides access to all the Commission's reports as well as giving news of forthcoming events. On 13 November 2002, the Commission issued a report outlining its role in the conduct of referendums. The Political Parties, Elections and Referendums Act 2000 (PPERA) provides the legal framework for the future conduct of major referendums in the UK. It gives the Commission certain duties and powers to oversee the fair conduct of referendums. Amongst the responsibilities set out in PPERA, the main functions of the Commission are:

- to comment on the referendum question
- to register campaign groups and regulate campaign fund-raising and expenditure
- to certify the result of the referendum

The report specifies that any campaign groups, including political parties and individuals, who intend to spend more than £10 000 on referendum expenses must register with the Commission as a 'permitted participant'. A total spending limit of £500 000 will then apply. Higher limits apply to registered political parties and to any designated organisations.

PR Commission

The Independent Commission on Proportional Representation continues its deliberations. Seminars were held in Scotland and Wales in October to help evaluate the effect of AMS. In addition, members of the public and interested institutions have been responding to the Commission's *Issues and Questions*

paper. An interim report reviewing findings will be published in March 2003. Anybody wishing to provide feedback or interested in obtaining the *Issues and Questions* paper should contact simon.w.king@ucl.ac.uk or visit the Commission's website at www.prcommission.org.

Constitution Unit News

In February we welcome back **Ben Seyd**, who has been on a year's sabbatical in Melbourne, Australia. Amongst other things Ben will revive his interest in coalition government, to study the process of coalition negotiation after the Scottish Parliament and Welsh Assembly elections in May.

Alan Trench is taking three months' leave, and returns to the Unit on 18 February 2003, when he will focus on Devolution and Intergovernmental Relations.

Barry Winetrobe, long one of the Unit's associates, became a Senior Research Fellow in November to lead the ESRC Law and Devolution project, which he is taking over from Alan Trench.

Guy Lodge joins us in January as a Research Assistant specialising in Devolution. He is Chair of the Young Fabians, and for the past year has been researcher to Brian White MP.

Catherine Flew is leaving us to take up an internship at Saferworld, a foreign affairs think tank.

Combining Elections in 2004

The Office of the Deputy Prime Minister and the Lord Chancellor's Department have published a consultation paper which invites comments on a proposal for moving the date of the English local council and Greater London Authority elections in 2004 so that they take place at the same time as the European Parliamentary elections on 10 June 2004. more details.

The Government has stated that it wants to see a modern, efficient electoral system and is concerned that in 2004 many electors are being asked to vote on two separate occasions within the space of five weeks. Responses should be sent in by 31 January 2003. Contact wpdemocracy@odpm.gsi.gov.uk for

The Civil Service and Government

Ministerial Accountability

The resignation of Estelle Morris as Secretary of State | in the NIO, but may not be the heavyweight that for Education on 24 October 2002 prompted a minireshuffle. Paul Murphy replaced John Reid as Secretary of State for Northern Ireland. Peter Hain was appointed to replace Paul Murphy as Secretary of State for Wales, but retains his interest in the Giscard Convention on the Future of Europe. Paul solely due to failures in policy and delivery. Murphy has served previously as a Junior Minister

Northern Ireland now requires to negotiate revival of the suspended institutions. Ms Morris's resignation followed her admission that she was "not up to the job". This is an interesting addition to the very small number of ministers who have left office

Lord Chancellor's Department Constitution Directorate

LCD is reorganising itself as the lead department | data protection and human rights, as well as royal for constitutional reform, with a new constitutional | matters and Church/State relations. directorate responsible for Lords reform, FOI and

Local Government/Mayors

Four further elections of local authority mayors took | on-Trent, Bedford, and Mansfield) returned place on 17 October 2002.

To the surprise of many commentators, three (Stoke-|campaign which had won the referendum to

independent candidates. Each of the independent winners had been associated with a petition

introduce elected mayors in the relevant authority; other independent candidates were not so successful.

Ominously, turnout was very low, ranging from 25% to 30%; and in addition the British National Party won almost 20% of the vote in Stoke, finishing third. The Stoke election also saw the first sitting MP to stand in a mayoral election, George Stevenson. He lost by a few hundred votes, and was probably not aided by his refusal to consider giving up his parliamentary seat if he were elected. The other election, in Hackney, was won by Labour, with strong showings from both the Socialist Alliance and Green Party.

No further mayoral elections are planned at present, with one referendum (Ealing) outstanding. It

appears that this policy has fizzled out for the time being, with the interest now turning to the effectiveness of the 11 mayors who have been elected.

The Queen's Speech in November signalled an extension of the concept of 'earned autonomy' for local authorities: those which have proved their competence will be permitted to borrow money, within certain limits, to finance further development. At the same time, the Department of Health's announcement that locally elected boards would be established to run new 'foundation hospitals' appears to be a presumption against the suitability of general-purpose local authorities for the task, and may mark a step towards 19th-century style single-purpose local boards.

New Freedom of Information and Data Protection Newsletter

The Constitution Unit is launching the *Freedom of* | publication please fill in the form on the enclosed Information Newsletter which will provide detailed coverage of Freedom of Information and Data Protection both in the UK and overseas. An editions of the Monitor will cover Freedom of introductory copy is enclosed with this issue of the Information and Data Protection as normal. *Monitor*. To join the mailing list for this new

copy or email m.butt@ucl.ac.uk and include your mailing address as well as your email address. Future

Human Rights

Curbing the Executive's Power over Sentencing

ruled in Regina v Secretary of State for the Home Department Ex Parte Anderson ([2002] UKHL 46) that the Home Secretary's power to increase the minimum tariff recommended by the trial judge for convicted murderers is 'incompatible' with Article Six of the European Convention on Human Rights which concerns the right to a fair trial. The Government may introduce a remedial order under

On 25 November 2002 the Law Lords unanimously | the Human Rights Act, or may use one of the Home Office's criminal justice bills to pass amending legislation to remedy the breach.

> On the same day, the House of Lords confirmed that the mandatory life sentence for murder was compatible with the European Convention on Human Rights and would remain in place.

Irvine Human Rights Lecture at Durham University

The Lord Chancellor delivered the inaugural Irvine | judiciary. It has not." He commented that judges Human Rights Lecture, The Human Rights Act Two Years On: An Analysis, at Durham University's Centre of Human Rights on 1 November 2002. The lecture examined the impact the Act has had on the constitution, as well as the law, and the subsequent relationship between Parliament, the Courts and the Executive. He claimed that "Critics of the Human Rights Act argued that it would politicise our

have always had to decide cases in areas of political controversy, therefore the Act had created only a difference of degree, not of kind. The Lord Chancellor also said it was time to start celebrating the Human Rights Act. The full text of the speech can be found on the Lord Chancellor's Department website at: www.lcd.gov.uk/speeches/2002/ lc011102.htm.

Lord Woolf Lecture at the British Academy

On 15 October 2002 Lord Woolf addressed the are interfered with by the judiciary because of their British Academy on the subject Human Rights: Have the public benefited? Lord Woolf concluded that the courts can now act, as they could not before the Human Rights Act, as a longstop when Parliament or the government do not strike the correct balance between the rights of society as a whole and the rights of the individual. He said that "if initiatives which are thought to be in the interest of the public

adverse effect on the human rights of a minority, the judiciary will not be popular. But the temporary unpopularity of the judiciary is a price well worth paying if it ensures that this country remains committed to the rule of law." The full text is available on the British Academy's website at: www.britac.ac.uk/pubs/src/tob02/index.html.

Joint Committee on Human Rights

The Joint Committee on Human Rights published its interim report on the Case for a Human Rights Commission on 2 September 2002 (HL 160/HC 1142). It contains all the written evidence the Committee has received to this date. They are still accepting written evidence and state that they "wish

to hear more from those who could benefit, or who might represent those who might benefit, from the establishment of a human rights commission." The full report is available from their website at: www.publications.parliament.uk/pa/jt/jtrights.htm.

Convention on the Future of Europe

On 30 October 2002 former French president Valéry | Peter Hain, who was promoted to the cabinet as Giscard d'Estaing, chair of the Convention on the Future of Europe, unveiled a preliminary draft for a European constitution. A final document is to be produced by the middle of 2003 and is to come into force in 2004, once EU enlargement has taken place. The suggestion in Article One of the draft that the EU may change its name to 'United Europe' or 'the United States of Europe' aroused controversy, with member states disagreeing over how much power should remain in the hands of member states and how much should be granted to the European body.

Welsh Secretary in the October cabinet reshuffle but retains his position on the Convention, said "I want a constitution of sovereign states, not a blueprint for a federal superstate." More recently, Giscard has again aroused controversy with his suggestion that Turkey should not be allowed to join the EU, a decision over which he has no say. Hain responded, "We want Turkey in the European Union, the European Union wants Turkey in the European Union."

European Enlargement

European Union leaders will meet in Copenhagen | Cyprus to join the EU. Following this, each of these in December 2002 to endorse a plan to allow states must decide, either by parliamentary vote or Hungary, Poland, the Czech Republic, Slovakia, referendum, whether they wish to join. If the answer Slovenia, Estonia, Latvia, Lithuania, Malta and is yes then they will become members in midn 2004.

Ireland Ratifies Nice Treaty

Ireland's voters on 19 October 2002 gave their assent | referendum on the treaty in June 2001, when those to ratification of the Nice Treaty by a majority of voting rejected Nice by 54.0% to 46.0%. All the other 63.0% to 37.0%. The turnout was 49.5%, a member states have now ratified the Treaty. comfortable increase on the low turnout in the first

Spanish Decentralisation

Despite the successes of Spanish decentralization, pressure to reopen the process are growing. The nationalist Catalan government recently assembled an expert panel of jurists whose high-profile report suggested the extension of direct Catalan powers over the economy and welfare state; this effort at government policy.

constitutional reinterpretation was met with ridicule by Spanish parties. While the nationalists want to carve out a larger set of powers for Catalonia, the Socialists are arguing for reform to give them representation in the Senate and more say in central

Turkish General Election—3 November 2002

The Justice and Development Party (AKP), the more moderate of the two successors of the banned Islamic Virtue Party (FP), won an overall majority of 363 seats in the 550-member parliament. The AKP won 34.2% of the vote. The secularist centreleft Republican People's Party (CHP) won 178 seats with 19.5% of the total poll. Tansu Çiller's centreright True Path Party (DYP) was among the parties that failed to reach the minimum 10% of the vote needed to gain parliamentary representation. Turkish MPs are directly elected in 79 multi-

member constituencies (corresponding to the country's provinces) for a five-year term by a PR-list system using the d'Hondt method. Members are elected with a 10% threshold and subject to several other restrictions. Voting is compulsory.

The AKP's victory brings the promise of stable, more efficient government to Turkey. However, the transition will require skilful management on the part of an untested team.

Gibraltar Referendum

On 7 November 2002 the residents of Gibraltar voted overwhelmingly against the proposal that "Spain and the United Kingdom should share sovereignty over Gibraltar." On a turnout of 87.9% only 1.03% voted in favour of shared sovereignty, with a massive 98.97% against. However, the vote carries no legal weight. The referendum was organised by the Chief Minister of Gibraltar, Peter

Caruana, in order to show the strength of feeling on the island following a statement by Jack Straw on 12 July that London and Madrid had agreed in principle on sharing sovereignty. Following the referendum both the UK and Spanish governments have said that their talks on the future of Gibraltar will go on.

People on the Move

Lord Currie of Marylebone has been appointed chairman of the new Office of Communications for a five-year term.

Sue Duncan has been appointed head of the Government Social Research Service. Previously director of policy studies in the Strategy Unit, her new post will include liaison between government and the wider research community.

Nigel Hamilton has been appointed head of the Northern Ireland Civil Service in succession to Gerry Loughran.

Paul Kirby has been appointed as director of the Reform Strategy Group at the Cabinet Office, whose portfolio includes co-ordinating work on a Civil Service Bill. He leaves his previous job as director of inspection at the Audit Commission.

Sir Muir Russell, who has been permanent secretary at the Scottish Executive since its establishment in July 1999, has been appointed principal and vice-chancellor of Glasgow University and will take up the post in October 2003.

Useful Websites

Centre for European Reform: www.cer.org.uk

Cleanpolitix:

Website of the New Politics Network's campaign for transparency in political funding www.cleanpolitix.com

Forum of Federations:

International Network on Federalism www.ciff.on.ca

Information Commissioner:

www.informationcommissioner.gov.uk

International Conference on Federalism 2002: www.federalism2002.ch

Lord Chancellor's Department:

Gives guidance on Freedom of Information and Data Protection, which the department has responsibility for www.lcd.gov.uk

Your Mayor Your Choice:

New Local Government Network site giving information about referendum campaigns for directly elected mayors www.nlgn.org.uk/~yourmayor/index.php

Project Reports

Effective Scrutiny

The Unit's research into Effective Scrutiny is work will be available shortly after the May 2003 gathering momentum. A review of literature on scrutiny is underway and is expected to be published early in the New Year. The research team has been strengthened by the arrival of Lucinda Maer as Research Assistant in October. Research will shortly begin on the scrutiny role in the three regionalgovernment/comment/0,8146,840259, devolved institutions. Outputs from this stage of the 00.html.

elections in those bodies.

Mark's article 'What the regions can do for us' appeared on the Guardian website on 15 November 2002. You can read it at society.guardian.co.uk/

Nigel Forman's textbook on Constitutional Change

Nigel Forman, an Honorary Senior Research Fellow | approach. The book is one of the first to examine all with the Unit, has written a detailed and comprehensive account of Labour's constitutional reforms. Drawing on 30 years' experience as a further reform in the future. For details see below. former MP, he adopts a seasoned and questioning

the changes collectively and in detail, and to place each firmly in its historical context, with pointers to

Comparative Study of Public Accounts Committees

This project for the Scottish Audit Committee | the parliamentary audit committee, not on the work countries and territories, and draws lessons of good information practice for Scotland. The focus is on the work of |l.maer@ucl.ac.uk.

compares the practice and methods of operation of of the Auditor or the audit function more generally. Public Accounts/Audit Committees in other | This project is managed by Oonagh Gay. For further contact Lucinda

Fixing London

The Greater London Act was supposed to modernise | In the briefing, forthcoming in February 2003, they London public services, improve democratic analyse the way power is distributed and accountability, and improve infrastructure in the constrained in London and suggest ways to make city, but as Scott Greer and Mark Sandford argue the government of London fit for purpose. in the Unit briefing Fixing London, it does neither.

Publications Received

Adams J and Tomaney J, Restoring the Balance - | Longley L and Davidson R, The New Roles of Strengthening the government's proposals for regional assemblies, London, ippr, ISBN 1860302025

Parliamentary Committees, London, Frank Cass, 1998

Ewing KD, Trade Unions, the Labour Party and *Political Funding*—*The next step: reform with restraint,* London, Catalyst, ISBN 0953322467, £5

Schwab A, Devolution—Die asymmetrische Staatsordnung des Vereinigten Königreichs, Baden-Baden, Nomos Verlagsgesellschaft, ISBN 3 7890 8067 5

Forman FN, Constitutional Change in the United Kingdom, London, Routledge, 2002, ISBN 0 415 23035 7 (hbk)/0 415 23036 5 (pbk)

Stevens R, The English Judges—Their role in the changing constitution, Oxford, Hart, 2002, ISBN 1 84113 226 8

Hopkins J, Devolution in Context, London, Cavendish, 2002

Bulletin Board

Forthcoming Unit Events

To book a free place at unit events, please contact Matthew Butt on 020 7679 4977. Unless indicated, all events take place at The Constitution Unit, 29–30 Tavistock Square, London, WC1H 9QU. A location map can be found at www.ucl.ac.uk/constitution-unit/map

Seminar: Modernisation of the House of Commons: Unfinished business?

Fiona Mactaggart MP: Member for Slough 22 January 2003, 13:00, The Constitution Unit, UCL

The State of the Nations Annual Lecture
Sir David Steel MSP: Scottish Parliament Presiding
Officer

29 January 2003, 18:00, City Chambers, Edinburgh

Seminar: Where might a Human Rights Commission sit alongside a Single Equalities Commission?

Jenny Watson: Deputy Chair, Equal Opportunities

Commission

Respondent: Colm O'Cinneide: UCL Faculty of Law 12 February 2003, 18:00, The Constitution Unit, UCL

Seminar: Devolution: How well is the machinery working?

Professor Lord Norton of Louth: Chair of the Constitution Committee of the House of Lords 12 March 2003, 13:00, The Constitution Unit, UCL

New Unit Publications

For a full list of Constitution Unit publications please see the unit's order form, or phone 020 7679 4977

Cook M, Survey of Data Protection Officers, London, The Constitution Unit, 2002, ISBN 1 903903 15 7, £5

Cook M, The Public Interest Test in Section 2 of the Freedom of Information Act 2000, London, The Constitution Unit, ISBN 1 903903 17 3, £15

Hazell R ed., *The State of the Nations* 2003, Thorverton, Imprint Academic, 2003, £15

King S, Regulation of the Civil Service, London, The Constitution Unit, 2002, ISBN 1 903903 18 1, £8

Sandford M, *Inclusiveness of Regional Chambers*, London, The Constitution Unit, 2002, ISBN 1 903903 16 5, £8

Sandford M, *The Cornish Question: Devolution in the South-West Region*, London, The Constitution Unit, 2002, ISBN 1 903903 14 9, £8

Events Outside the Unit

London Metropolitan University

Conference: Governing after the Human Rights Act 17 January 2003, 09:30–17:00, London Metropolitan University

Contact: Dr Danny Nicol, danny.nicol@londonmet.ac.uk, 020 7320 1464

Fabian Society

Policy Seminar: Quality and Equality: How can schools specialise and collaborate?

David Milliband: Schools Minister

20 January 2003, Fabian Society

Contact: Hilda Carr, hilda.carr@fabian-society.org.uk, 020 7227 4902

Fabian Society

New Year's Conference: Democracy: Dead or Alive? 1 February 2003, Imperial College Contact: Ruth Patrick, ruth.patrick@fabiansociety.org.uk

Rethinking the *Monitor*

The *Monitor* is getting better. We are currently in the process of revising the editorial policy and rethinking its design in preparation for the March Issue. You can be part of this process by sending us your thoughts and suggestions.

Please get in touch with Matthew Butt by email on m.butt@ucl.ac.uk or by phone on 020 7679 4977.

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