

Professor Michael Keating - submission

Devolved Parliaments in Europe

1. Recent decades have seen a growth of 'regional' or 'meso-level' governments, between the central and local levels, in Europe.
2. Usually these are organized on the parliamentary-executive model in which a directly-elected assembly produces a government answerable to it.
3. Assemblies have the classic functions of legislation; choosing the government; scrutiny and accountability; and finance.
4. One consequence of this 'parliamentary' model is, paradoxically, dominance by the executive, since it will normally have a majority in the assembly. This is in contrast to the presidential or 'separation of powers' model found in the United States.
5. This is accentuated by a certain 'presidentialization' of leadership, where a party leader heads the list of candidates and is then automatically the candidate for first minister (to use the Scottish term). In Italy, this is further encouraged by a provision for semi-direct election of the first minister, who is then guaranteed a majority in the assembly.
6. Many European countries, moreover, lack the parliamentary tradition of Westminster, which was influential in the design of Scottish devolution.
7. When setting up new devolved governments, attention has usually been focused more on the need for effective and decisive government than scrutiny and control. This has led to a focus on executive government and away from older committee-based systems (this happened in Wales as well).
8. Executive dominance is reinforced by electoral systems. These are usually proportional but based on party lists, reinforcing the power of party leaders. Alternatively, they are designed to produce majority governments, for reasons of effectiveness. It is this, rather than weak parliamentary control, that has typically been seen as the problem.
9. List systems also weaken the connection between elected members and constituencies, although some politicians do have local power bases.
10. Devolved legislatures are usually dominated by political parties, which may be state-wide, imposing party discipline in the same way as happens at the central level.
11. Turnout in devolved elections tends to be lower than in state-wide elections. Devolved elections are sometimes treated as 'second-order', being used to pronounce a verdict on the central government rather than deal with local issues. This is less the case where there is a distinct party system or a national question, as in Scotland.
12. Much policy-making in devolved systems is conducted through intergovernmental relations (IGR), that is by negotiations among the levels. This tends to exclude assemblies and is difficult to hold to account.
13. In some countries (Germany, France, Italy, Spain, Belgium) there is regular movement of elected politicians between central and devolved levels. On the one hand, this may weaken the devolved level where it is seen as merely a stepping-stone to higher office. On the other hand, it may encourage heavyweight politicians to come back to their home regions, including at times when they are in the opposition state-wide. Scotland has not seen this movement

back and forth after the first elections, only a steady drift of politicians to Westminster.

14. Most countries have seen the growth of a 'political class' of professional politicians who remain for long periods of time (whether at one level or moving between the two). This has caused public disenchantment and led to the devolved level being regarded in the same way as the central one. Professionalization of the political class is also a feature of the Scottish system.
15. No sub-state assembly in Europe has a second chamber. The Bavarian Senate, which represented social and economic interests, was abolished some years ago.
16. The devolved level may wholly (Germany Austria and Belgium) or partly (France, Spain) elect the second chamber of the central legislature. (Spain, Belgium, France); a similar proposal featured in the failed Italian constitutional reform referendum of 2016. In the case of Germany, however, it is the Land governments (not parliaments) that send the members to the Bundesrat.
17. There are numerous efforts at sub-state level to reach out to civil society and social and economic groups. There are often social and economic councils and social partnership initiatives. These, however, tend to be organized by governments not assemblies. Indeed members of elected assemblies often look with suspicion at this kind of arrangement, seeing it as a rival and insisting that only they have the democratic mandate.
18. Devolved legislatures have not been very effective in scrutiny or dealing with financial and budgetary matters. They have not developed strong committees able to accumulate knowledge and expertise over time.
19. The devolved level has not been a propitious one for parliamentarism.