



The Scotland-UN Committee

Devolution and the Labour Myth

James Wilkie

As recently as twenty years ago few people dreamed that Scotland would ever reach the stage of being given the chance to vote for independence. It was a dream that for centuries had seemed beyond realisation, and many who had spent their entire lives working for it never lived to see the chance of realising it. So what triggered the change in its prospects?

There is only one answer to this question – devolution. Without that there would have been no take-off platform for the independence rocket, no effective step in the direction of autonomy, and no basis for a nationalist government with the political authority to plan the road ahead.

To put it with brutal candour, to this day we would still be waiting for the SNP to gain a majority of the Scottish seats at Westminster.

So how did this vital intermediate step of devolution come to be realised, in the teeth of the determination of the entire London establishment right across the political spectrum to kill it at any and all cost? Here is one little-known aspect of the answer.

Establishment hostility reached its sordid peak with the orgy of corruption that was the 1979 referendum. It is not the subject of this article and there is no need to repeat facts that we all know. Thatcher's arrogant *coup d'état* in the face of a perfectly adequate majority vote similar to that of the 1975 EEC referendum left Scotland stunned, bewildered and disorientated. It took a long time for the Scots to collect their wits and for the reaction to set in.

One early step in that reaction was the formation of the Scotland-UN Committee in the summer of 1979. Seething with anger, a group of SNP members and supporters, led by John McGill (FSA Scot.) of Kilmarnock, set out to take the whole issue of home rule to the United Nations and the other international authorities. I was invited to participate on the strength of my own vitriolic condemnation of the referendum scandal in the pages of *The Scotsman* and elsewhere.

The only member of the Labour Party who actively cooperated in the project was Dennis Canavan, while others like John Smith and Donald Dewar dropped the whole issue of devolution after Thatcher's "repeal" of the Scotland Act, like something that was only "for discussion between consenting adults", as the saying went at the time.

Members of Scotland-UN like John McGill (its founder and secretary), Pat Lang, Shanks Kerr, John Law, David Young, Willie MacRae and others were among the most vociferous members of the Campaign for a Scottish Parliament, and it was Scotland-UN that in 1979 first proposed the creation of a Scottish Constitutional Convention.

The Convention finally took shape after an article by myself in the December 1983/January 1984 issue of the magazine *Radical Scotland* had laid out its structure and procedures. It also took over much of what Scotland-UN had already devised, like "Scotland's Claim of Right to Self-Determination", the title of the second Scotland-UN submission to the United Nations in August 1980.

Springing forward a number of years, and much international action at top diplomatic level, word reached Scotland-UN that the forthcoming Council of Europe summit meeting in Vienna in October 1993 was to consider the question of nationalism in Europe and its effects.

This was too good to miss. In 1980 we had already succeeded in killing a Thatcherite attempt to enlist the support of the Council of Europe with a CoE declaration that there was no demand for devolution within the UK.

But 13 years later the whole international political environment had changed, national sovereignty was no longer absolute, and there were now hard and fast international rules of pluralist democracy, human rights and the rule of law to be followed.

We decided to go for the jugular on all three counts.

The first shot in the action was when I attended a small meeting including Peter Leutasch, Deputy Secretary General of the CoE. At an appropriate point in the discussion I raised the need for an official monitoring system to ensure that the international rules were being upheld by CoE member states – knowing full well that this suggestion was going to be repeated in writing in the Scotland-UN memorandum on the Scottish situation that was about to be forwarded to the CoE. Leutasch noted the point and carried the suggestion back to Strasbourg.

John McGill, the energetic Scotland-UN secretary, then sent the memorandum not only to the CoE secretariat in Strasbourg, but also to all of the then three dozen member governments individually, a "saturation bombing" tactic to ensure that the issue could not be swept under the carpet during the current UK chairmanship of the Committee of Ministers.

It was also sent – crucially – to those East European states that were applying for CoE membership and were being rejected because their democratic systems did not come up to the Council's standards.

The Scotland-UN initiative did not meet with universal approval in nationalist circles. Word came back to us that Council of Europe Secretary-General Catherine Lalumière had praised the memorandum to Mrs. Winnie Ewing at a meeting in the West Indies, which resulted in some angry words at an SNP Executive meeting, as if Scotland-UN had committed some kind of sacrilege by bypassing the only official means of gaining home rule.

Professor Neil McCormick had previously told us that it was impossible to obtain home rule through international action – “If it had been possible I would have done it long ago!” Well, we didn’t know it was impossible, so we went and did it.

The effect of the Scotland-UN action in Strasbourg was far greater than we had ever dreamed. The summit meeting convened in Vienna, where I had a conversation with Lord Mackay, the Lord Chancellor, who was representing the Queen. The summit ended with a declaration that the Council of Europe was determined to ensure that all its member states adhered without reservation to the international standards of pluralist democracy, the rule of law and human rights.

The Committee of Ministers was entrusted with drawing up a suitable monitoring system to enforce these standards, exactly as proposed by Scotland-UN.

This was followed on 14 January 1994 by the establishment of a Congress of Local and Regional Authorities of Europe with the goal of ensuring “the existence of a solid local **and regional** democracy in conformity with the principle of subsidiarity included in the [1985] European Charter of Local Self-Government.” The UK had never signed the Charter, doubtless for very good reason.

From 1994 on the Committee of Ministers started monitoring the democratic systems of all the European states, members and aspiring members of the CoE alike. It was obvious from the start that it could not make exceptions, that existing Western member states had to be judged by the same standards that were being applied to the former Communist countries.

When the monitoring committee got round to the UK in June 1996 its report was politely damning. It dealt not only with Scotland, but also with Wales, and it undid the Thatcherite changes to the administration of London. Later additions dealt with other constitutional deficiencies like the method of appointing Scottish judges.

The most humiliating of all was that it bracketed the UK in a group with Bulgaria, Croatia, Latvia, Moldova and Ukraine as one of six states having “major problems in meeting standards of democracy.”

Devolution thereby ceased to be a political party issue and became a foreign policy commitment that had to be implemented, no matter what government was in office in London.

John Major and the Conservatives were no doubt very thankful that this hot potato bounced onto the lap of Tony Blair and the Labour leadership, whose efforts to kill

the Strasbourg action, even while out of office, had resulted in a monumental diplomatic disaster that never achieved publicity.

The Council of Europe issued a statement making it pointedly clear that failure to abide by the international norms of pluralist democracy “would be incompatible with membership of the Council.”

The Tories had stubbornly dragged their feet over the UK’s accession to the Charter of Local Self-Government, but then, in March 1997, a few weeks before the election that brought Blair’s Labour government to power, the Council of Europe pointedly spelled out the sanctions that would be applied, in a series of escalating steps, to any European state that did not “fully and swiftly comply with the basic democratic principles that are at the heart of the European Ideal.”

In plain language, get Scotland, Wales, etc. sorted out or be expelled from the Council of Europe in the most humiliatingly public manner – a step that would have had devastating international consequences, especially just a few weeks before the UK presidency of the European Union.

Total capitulation followed. With the entire international diplomatic corps breathing down its neck, the new UK government signed the Charter on 3 June 1997 (the last one in Europe to do so) and brought in bills for devolution to Scotland and Wales – to written approval by Strasbourg, but described by Blair as “a damnable nuisance.”

The fulfilment of this foreign policy obligation was therefore a diplomatic and not a political decision.

Labour’s nose having been well and truly rubbed in the unwelcome devolution project, it was left to Donald Dewar to implement it with the absolute minimum of powers that Labour could get off with, while keeping the Scottish legislature firmly tied to London, and generally whittling devolution down as far as possible. The Holyrood building project was probably intended to be a means of strengthening Labour’s hold on the devolved system as well as glorifying Dewar personally.

The Scottish Government was to be called an “Executive”; the by now superfluous post of Secretary of State would be retained as a kind of anti-Executive tool; Sewel motions for the return of devolved decision making to Westminster were to be used regularly; a flagrantly unconstitutional attempt was made to shift the Scottish-English border in the North Sea northwards in order to transfer 12 major oil wells to English jurisdiction and keep them out of Scottish hands; in defiance of international law, the unionist parties insisted on the fiction that the new Scottish legislature was subordinate to Westminster; and Dewar’s system for vetting Labour MSP candidates made sure that only reliable party hacks and dyed-in-the-wool unionists would be selected.

Tony Blair and the remaining Labour leadership ostentatiously boycotted the opening of the Scottish Parliament and later the Holyrood building in order to show what they thought of the whole business – an attitude later confirmed in Blair’s memoirs.

It took eight years for the old order at Holyrood to burn itself out and for a delayed new era to commence.

On 18 January 1999 Dennis Canavan, who on a number of occasions had rendered services to Scotland-UN at Westminster (and suffered for it when he was blackballed by Labour as an MSP candidate) put a question to Foreign Secretary Robin Cook on when the Council of Europe's report on the UK's democratic system was going to be published.

The question was answered by Tony Lloyd, who informed him that "the conclusions of the Committee of Ministers will be made public when available." One and a half decades later, despite this commitment, there is still no sign of this information being made public, and there is total official silence on the subject.

So when Labour Home Secretary Jack Straw banned Andrew McFadyen's relevant Freedom of Information request for the devolution documents, after the officials concerned had approved it, this tale will maybe provide an inkling of the reason why.

It would have killed Labour's pretence to have "given" Scotland home rule, to say nothing of its election chances for both Holyrood and Westminster. It was an acute embarrassment for the Labour leadership, a tale of how they had been outmanoeuvred, outgunned and outsmarted by a group of nationalist amateurs.

More recently, however, when English Attorney General Dominic Grieve again banned any disclosure of the background to devolution, on 9 February 2012, the situation had become even more acute.

It was obvious that blocking this information had become a major factor in preventing Scottish opinion from drifting any more strongly towards independence. That is the stage we are at for the moment.

Open government, freedom of information, democracy and the rule of law are scraps of paper that may be composted for the sake of expediency.

Until these facts are made known, however, there can be no balanced judgement on the independence issue. For that is exactly what the unionists fear.

It must be emphasised that there are still some gaps in the available information on the background to devolution. The full story of how it came about will not be told until the records of the Foreign Office and Cabinet Office are available. Meantime, a substantial outline of the story, including the text of the Strasbourg memorandum and a list of source material available so far, can be read in the Scotland-UN Committee Papers at: www.realmofscotland.com

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