



The Scotland-UN Committee

**THE CONFERENCE ON SECURITY AND COOPERATION IN
EUROPE
Moscow, September 1991**

Submission on Scotland's Right to Self-determination

Presented by

The Scotland-UN Committee

On the occasion of the CSCE Moscow conference the Scotland-UN Committee wish to point out to the Conference that the political situation in Scotland that has been described to previous Meetings is still unresolved, and that there is no sign that it is likely to be resolved in the near future. Despite the clearly expressed wish of the Scottish people for greater control over their own affairs, the flagrantly undemocratic governmental system in Scotland is being maintained, in defiance of the principles of Helsinki and of international law generally.

As we pointed out to the CSCE Paris Meeting, former Prime Minister Margaret Thatcher, in reply to a parliamentary question by Mr. Denis Canavan, MP, stated that she did not regard the question of self-determination for Scotland to be cognisable by the CSCE. We have since seen no evidence that this attitude has been revised under the present United Kingdom administration.

We reiterate our standpoint that this attitude can in no way be reconciled with Art. VIII of the Helsinki Final Act, and with the CSCE's reassertion of the principle in Vienna (Questions Relating to Security in Europe, No. 4), both of which are binding on the United Kingdom. We are sure the delegations of the participating states will agree that the United Kingdom Government's attitude to Scotland removes any vestige of authority from their statements and actions in respect of other European nations that are presently asserting their right to self-determination.

The 72 Scottish representatives to the Westminster Parliament have been elected as follows:

Conservative Party	10
Liberal Democrat	9
Labour Party	48
Scottish National Party	5

Half of the Conservative representation forms the Scottish Government, consisting of a Secretary of State and four Ministers. This administration is not elected by the Scottish people, but appointed by the British Prime Minister without reference to any other authority, democratic or otherwise. They need take no notice of the will of the people or the people's elected representatives.

This rump regime, together with their five remaining Scottish Members of Parliament, although vastly outnumbered by the Scottish elected representatives belonging to other parties, continue to defy the democratic will of the Scottish people by forcing through exclusively Scottish legislation with the assistance of English Conservative MPs. The English majority at Westminster has also been used "democratically" to block more than 30 attempts to have the Scottish Parliament recalled.

We reported the situation concerning the Scottish Select Committee, the standing committee for the consideration of Scottish legislation and Scottish matters in general, to the CSCE Third Follow-Up Meeting in Vienna. The 5 available Conservative Members of Parliament were not sufficient to ensure Conservative domination of the committee against the 62 other Scottish elected representatives, and so, after various unsuccessful attempts to ensure that the Scots would not be able to gain control of their own legislative processes (e.g. by reducing the Committee's membership) the UK Government eventually resolved what had become an embarrassing situation by simply abolishing the Committee.

We have to inform the Conference that there has since been no attempt to end this travesty of a democratic system. Scotland - the only country in the world with its own highly distinctive and centuries-old legal system and no legislature - now has no standing body with the power to review legislation. Ad hoc committees to consider purely Scottish parliamentary legislation have English Conservatives drafted in to ensure that the Major administration maintains its stranglehold on Scotland. The so-called Scottish Grand Committee, consisting of all the Scottish Members of Parliament, is a mere talking-shop which meets occasionally for discussions, but has no power to review legislation or to take decisions, and attendance is correspondingly meagre.

Such functions as are exercised on a Scottish basis are carried out with totally inadequate legislative scrutiny, which in many cases amounts to none at all in practice. The result has been a record of corruption, with thousands of lucrative appointments personally handed out by the Secretary of State. Oligarchies attaining power under this system are able to do

virtually anything they like in the name of the Secretary of State with little or no chance of being called to account.

This is clearly an intolerable situation, the more so since the United Kingdom is now an isolated anachronism - the last surviving multinational state in Europe. It lacks even those democratic institutions that were possessed by the Soviet Union and Yugoslavia before the break-up of their old systems. Its constituent nations do not have even that degree of autonomy which Slovenia or Georgia, for example, have enjoyed for many years. Furthermore, in the United Kingdom there are no guarantees of civil and political rights, and the courts of law are forbidden to take cognisance of any of the international human rights instruments when arriving at judgements.

All of the Scottish parties with the single exception of the Conservatives have the recall of the Scottish Parliament as a major item in their programmes. The Conservatives are now totally isolated in this matter, and it will be obvious from the above that they have absolutely no mandate to govern Scotland at all.

Public opinion polls since the early 1930s have indicated that a vast majority of the Scottish people are in favour of recalling their ancient national Parliament. This support for self-determination and self-government is now stronger than ever before. To take only one example, an ICM poll published in The Scotsman newspaper in September 1991 produced the following response to alternative forms of government for Scotland:

Total independence outside the EC	11%
Independence within the EC	26%
Self-government within the UK	41%
Keep the present system	19%
Don't know	3%

One quarter of those who opt for retaining the present system are in favour of outright independence if there nevertheless has to be change. How far the Conservative administration is out of touch with their own grass-roots membership is shown by the fact that 59 percent of Scottish Conservatives are in favour of autonomy or independence. Significantly, that same opinion poll also reveals how people living in Scotland see themselves in terms of their nationality. It is clear that the cohesion of the British Union has markedly weakened over the years:

Scottish not British	40%
More Scottish than British	29%
Equally Scottish and British	21%
More British than Scottish	3%
British not Scottish	4%

None of these/no opinion 3%

The inclusion of English residents in Scotland in the poll may have strengthened the British end of the nationality scale, and increased the minority of people prepared to retain the present political system. However, by any standard these figures - which are amply confirmed by numerous other surveys taken over many years - allow no scope for any assertions that the Scots are satisfied with their present condition or that there is no demand for autonomy.

We would refer the delegates to previous information submitted to the Conference by the Scotland-UN Committee for the background to the Scottish situation. We must, however, make it clear that the Scottish demand for autonomy has nothing to do with the present wave of such movements throughout Europe. It may help to clarify the picture if we highlight some of the historical facts:

* The present moves towards a "Europe of the Regions" are a result of demands for autonomy by peoples who have never, or only very briefly, had their own states. Scotland, the oldest nation state in Europe, and a united independent kingdom 200 years before neighbouring England, is in a very different category.

* The Scottish king inherited the throne of England in a personal union as a result of a dynastic marriage a century before. The Scots took over England - not the reverse! This, however, is not a basis for determining the legislative structure for the 21st century and beyond.

* When the Scottish and English monarchies were combined into the new United Kingdom of Great Britain a century after the personal union, a joint Parliament was set up to administer the affairs of the new Union. The Scottish and English national parliaments were never formally abolished; there is not one word to this effect in the relevant legislation. They simply stopped meeting, and there is no constitutional barrier to their recall to deal with national matters, as distinct from those pertaining to the Union.

* Scotland is a distinct and distinctive geographical, historical, economic, ethnic, social, cultural, political, legal and constitutional entity. The principal Scottish institutions were given constitutional protection under the terms of the Union, but have nevertheless been subjected to constant arbitrary encroachment by the huge English majority at Westminster.

* England now has 10 times the population of Scotland, and Scottish interests are either ignored or openly suppressed where they conflict with those of the larger partner. Furthermore, the functions of government now extend to a vast number of fields which were administered by autonomous Scottish bodies for a long time after the political union and are now being gradually assimilated to English institutions. This, of course, runs

diametrically opposite to present trends in Europe, as well as to the relevant principles laid down by the CSCE and other international authorities.

* The movement for autonomy in Scotland is not new. Opposition to the Union existed from the beginning; for half a century afterwards periodic rebellions had to be suppressed by military force. From the middle of the 19th century mass demonstrations and resistance to centralised government from London forced the gradual re-establishment of the Scottish Government - in the form described above!

* To date there have been well over 30 attempts in the Westminster Parliament to have the ancient Scottish Parliament recalled. Every single one of these was foiled by a refusal to find time for the legislation, talked out by filibuster tactics, or in the final analysis simply voted down "democratically" by the huge English majority at Westminster.

* In 1979 a scheme for partial autonomy was presented for decision by the Scottish people, as a means of damping down rising demand. It was expected that this deliberately unsatisfactory scheme (for example, it foresaw no economic powers for the Scottish legislature) would be rejected by the Scottish people, and that this would be interpreted as a rejection of the entire principle of self-government. To London's chagrin, it was adopted in a national referendum by the same majority that approved membership of the European Community. The incoming Thatcher Government ignored this decision by their constitutional superiors and autocratically forced through a so-called "repeal" of the legislation in the face of the referendum result and the votes of the Scottish Members of Parliament. As a result, the administration of Scotland from that day to this is a totally unconstitutional and illegal regime.

* A National Covenant requesting the recall of the Scottish Parliament to deal with Scottish affairs was signed by 2.5 million out of 3.5 million Scottish electors in 1950. When the petition sheets were taken to London by a delegation of prominent Scots, every government door was insultingly shut in their faces.

* The Scottish National Party was founded in 1923 as a reaction to the situation, with the objective of total constitutional independence for Scotland. Its electoral support within the past few years has varied between one quarter and one third of the total vote.

* After the so-called "repeal" of the Scotland Act in 1979 a non-party Campaign for a Scottish Assembly was set up. Under its aegis a Steering Committee worked out a scheme for calling a Scottish Constitutional Convention.

* This Scottish Constitutional Convention has met over the past two years with representatives from political parties, local government and national organisations. It has produced a plan for the restoration of legislative facilities to Scotland. The Conservative leadership has indicated total opposition to this plan and have indicated that they have no intention of altering the present travesty of a democratic structure.

The Scottish national movement has for many years been subjected to unscrupulous suppression by the United Kingdom authorities. Harassment by the police and security services is an everyday occurrence. Proven cases of the use of government agents provocateurs have been revealed in courts. Mail is opened and telephones tapped.

Known advocates of recalling the Scottish Parliament have experienced marked difficulty in obtaining and holding employment in their native land, especially promoted posts. Nationalist students in the Scottish universities have been "advised" that their political activities are interfering with their studies, and that if they want their degrees... (Politically active Conservative students never seem to have the same difficulties). Systematic character assassination by British official authorities is a standard political practice. English personnel are progressively filling many of the key positions in Scotland, including those dealing with cultural life. This catalogue of oppression hardly penetrates to the outside world, because the entire corps of foreign correspondents in the United Kingdom is resident in London, where they are at the mercy of the government press officers.

Reasons do not require to be quoted for demanding autonomy. It is sufficient to demonstrate that a demand for self-determination and self-government exists. Under the terms of international law, and of the Helsinki Final Act and its subsequent development, the United Kingdom Government is not empowered to refuse or ignore the evident demand for the recall of the Scottish Parliament.

We would also point out to the Conference that there is still no indication that the United Kingdom Government have any intention of signing the Optional Protocol to the International Convention on Civil and Political Rights, the obvious intention being to prevent the Scottish case from being raised at United Nations level.

The Scotland-UN Committee therefore urgently requests the members of the Conference on Security and Cooperation in Europe:

1. To condemn the actions and omissions of the United Kingdom Government in respect of Scotland;
2. To put pressure on the United Kingdom to end the present illegal regime in Scotland;
3. To oblige the United Kingdom Government to restore democracy, human rights and the rule of law in Scotland;
4. To supervise the restoration of legislative facilities in Scotland with the recall of Scotland's ancient national Parliament in accordance with the clearly expressed will of the Scottish people.

In the name of the Scotland-UN Committee,

JOHN McGILL,

Secretary,
September 1991