



## **Assessment of the International Situation**

*In the beginning the activities undertaken by Scotland-UN were marked by what could best be described as enthusiastic amateurism. A great deal of both time and money was expended, mainly in the United Nations Secretariat in New York and in the HQ of the UN Commission on Human Rights in Geneva, in the search for international support for Scotland's claim to the right of self-determination. This had the beneficial effect of letting the world know that there was a nation called Scotland that was looking for international support for the right to run its own affairs. Concrete results were not yet visible, but the international scene was already showing the first signs of the movement that would culminate in the revolutionary developments that took place from 1989 onwards.*

*The most outstanding development was the emergence of a new actor onto the international diplomatic scene in the shape of the Conference on Security and Cooperation in Europe (CSCE) that started with the famous Helsinki Conference in 1973/75. The CSCE Follow-Up Conference that was due to open in Vienna in November 1986 would eventually conclude in January 1989 with emphatic support for the cause of self-determination. The results were so positive that the CSCE itself was shortly afterwards put on a permanent basis as the Organisation for Security and Cooperation in Europe. What was now the OSCE finally became Europe's largest political institution with 57 member states, and the world's largest regional security organisation, covering most of the northern hemisphere from Vancouver to Vladivostok. Alone among the European institutions, the OSCE is a Chapter VIII regional organisation under the United Nations Charter, and reports to the Security Council on European affairs.*

*This was clearly not something that could be ignored by Scotland-UN, and the CSCE/OSCE in fact featured largely in S-UN activities during the following years. It was obvious, however, that the amateur approach to what was now top-level diplomacy was well out of date. Scotland-UN's activities from now on had to be carried out on a basis of diplomatic professionalism to the highest standards. As it happened, Scotland-UN already had a representative installed in the Hofburg Palace in Vienna, where the CSCE Follow-Up Conference was to take place, and the subsequent developments were kept under close scrutiny, with appropriate action where relevant.*

*All future Scotland-UN activities were approached using the methods and procedures of the international diplomatic service, with a professional assessment of the situation drawn up in advance. This particular appraisal of Scotland's chances during the dying days of the Cold War was for S-UN internal use only, and has so far never been published, but it is a remarkable historical document in its own right, illustrating as it does a world that has now disappeared.*

## **THE SCOTLAND-UN COMMITTEE**

### **The Conference on Security and Cooperation in Europe**

General appraisal of the situation leading to the

Follow-Up Conference in Vienna, beginning on

4th November 1986

#### *1. General*

The Conference on Security and Cooperation in Europe (CSCE) convened in Helsinki, Finland, after exploratory talks followed by preliminary conversations in 1973, and ended with the High Representatives of the participating states putting their signatures to a Final Act in 1975. The original proposal for such a conference came from the Soviet Union. The participants were originally 32 European states plus the USA and Canada; since then, Monaco has joined the Conference, giving a total of 35 participating states. The only European state not taking part in the Conference is Albania.

#### *2. The Final Act*

This consists of 10 numbered articles dealing with human rights and inter-state relations, plus various unnumbered declarations regarding their implementation by the participating states. Article 8 is the one relevant to the Scottish case. In its essentials, this restates the by now firmly established international law regarding the right to self-determination possessed by identifiable peoples and nations. The Final Act was politically binding on the signatory governments from the beginning, but after more than 10 years, during which it has become something of a standard for other parts of the world too, its provisions have now achieved the status of international law. There is no dubiety regarding Article 8, which merely restates established international law already laid down by the United Nations Organisation and enshrined in the International Bill of Human Rights. The right of peoples to self-determination has been legally defined as a fundamental human right under international law, and as such is binding on all UN member states quite independently of the Helsinki agreements. There have been authoritative rulings to this effect by the UN General Assembly and the International Court of Justice, etc. (See also the UN publication "The Right to Self-Determination", by Aureliu Cristescu.)

### 3. State groupings

The framework for the CSCE, drawn up during the preliminary conversations in 1973, laid it down that "The Conference shall take place outside military alliances". The idea was that negotiations should not be on a bloc-to-bloc basis, and that all participants should be there on a basis of exact equality. This theory has not been borne out in practice, due to the rigid nature of the two large military groupings. The Conference structure that emerged in Helsinki, and was continued during the subsequent meetings, seminars and conferences, was therefore a coagulation into three groups - the NATO states, the Warsaw Pact states, and the neutral and non-aligned group - with one or two interesting variations on the pattern.

A. The East Bloc - The Soviet Union, The German Democratic Republic, Poland, Czechoslovakia, Hungary, Romania and Bulgaria.

Surprisingly, the unity of this group has not always been as complete as is sometimes believed in the West. Romania in particular has the status of a maverick within the East Bloc, and has consistently refused to permit the stationing of Soviet soldiers on its territory in time of peace. Hungary, on the other hand, is something of an economic maverick, whose close trading ties with the West have been attracting interested but anxious observations from Moscow. East Germany is the most generally advanced country in the group, due largely to its economic ties with West Germany.

For obvious strategic reasons this group can have no conceivable reason to oppose the Scottish submission, as has already been indicated off the record at diplomatic level. How far this tacit support will be translated into open and active support will no doubt depend on the circumstances at the time the matter is raised, and to what extent it is triggered off by Western actions and submissions. The Soviet Union might be reluctant to come out in open support, for political reasons (e.g. the effect on the 100 or so nationalities within its own borders), but since Scottish autonomy as such would be likely to have nothing but advantages for it and no conceivable drawback, this support could no doubt be organized through another of the states in the group. Barring any untoward occurrence (e.g. Romania vetoing a Hungarian motion in support of Scotland because the Romanians detest the Hungarians), which is unlikely, Scotland can expect at least tacit, and quite possibly open and active support from the East Bloc grouping at the Conference. Possibly the best thing that could happen would be for the West to mount an assault on the Soviet Union on the human rights issue, when Scotland's case would be one of the best counter-weapons in the East Bloc armoury, as Mr. Gorbachov's remarks in London last year indicate.

B. The West Bloc - The USA, Canada, Norway, Denmark, Iceland, The Federal Republic of Germany, The Netherlands, Belgium, Luxembourg, The United Kingdom, France, Monaco (foreign policy controlled by France), Portugal, Spain, Italy, Greece and Turkey.

It is in this group that Scotland can expect probably the greatest sympathy, but also the greatest opposition, for obvious strategic and economic reasons. The biggest obstacle is, of course, the Thatcher-Reagan alliance, even in the face of their own peoples and governments, while total opposition is to be expected from Lord Carrington at NATO.

With Scottish oil, even at present prices, holding the UK economy afloat, and in view of Scotland's role as a location for dangerous military establishments without the indigenous population having any voice in the matter, it is obvious that there is too much at stake for Scottish autonomy to be lightly conceded. In addition, the swing to the Right in the recent French elections would undoubtedly make it more difficult for President Mitterrand of France to come out in open support, although he is reputedly sympathetic.

That is no reason, however, why open support should not be forthcoming from the other countries of Scotland's own size, which would be denying their own right to self-determination by opposing Scotland's case. One major bargaining factor in our hands is that the Scottish submission should make it very difficult for the West to raise accusations of breaches of human rights against the Soviet Union and the East Bloc generally, and for this reason pressure could be placed on the UK Government from elsewhere in the West to bring the Scottish situation into order before the Conference reaches the important human rights issues. This could be done by keeping Scottish autonomy to the absolute minimum, and only within the framework of devolution throughout the UK as a whole; at any rate something along these lines might well be expected as a solution to an embarrassing problem, and it has to be made quite clear that this sort of chicanery is not going to be accepted.

C. The Neutral and Nonaligned Group - Finland, Sweden, Switzerland, Austria, Yugoslavia, Cyprus, Malta, San Marino and Liechtenstein. The Holy See and Eire would naturally fall into this category, but are not normally regarded as members of the "N & N Club".

The Neutral and Nonaligned states are not a closed bloc, but a grouping with sometimes diverging individual interests. Their common interests in security in general, and a peaceful geographical environment, provide them with sufficient common ground to present a united front on most issues. In many cases where neither of the two major blocs can be seen to take the initiative, even if they are basically in agreement, it will be found that one or more of the N+N delegations will be asked to bring the matter up. Furthermore, this group raises many of the proposals that are brought forward at the CSCE after having been exhaustively discussed among themselves.

Clearly, states in this population group would be denying their own right to exist if they were to come out against the Scottish case; opposition from them is therefore ruled out. Positive support from them will, however, rest on a different basis from that which might be expected from the other two groups.

All the members of the N+N grouping place strong emphasis on human rights, international law, and the role of the international organisations - as a matter of primary self-interest, given the

weakness of their individual positions and their inability to form anything resembling a military grouping. Their support for Scotland's case, therefore, would almost certainly be on this basis.

They do, however, require a case that is absolutely watertight, with Scotland's status as a nation so firmly established that its right to self-determination cannot be denied. Possibly the main role of the N+N states in the CSCE is that of working out solutions and compromises when the other two blocs have ground to a halt in confrontation with each other. It is interesting to speculate what might emerge for Scotland in this respect.

#### 4. Developments since 1975

The Conference on Security and Cooperation in Europe did not end with the signing of the Final Act in 1975. Major Follow-Up Conferences have been held in Belgrade and Madrid, and Meetings of Experts on human rights and other issues have taken place in Ottawa, Berne (at the moment) and other places. There were 900 delegates at the CSCE European Cultural Forum in Budapest last autumn, and the conference on military security (CDE) is progressing slowly in Stockholm at the moment. The principal aim of the follow-up meetings has been to review the progress made in the individual signatory states towards implementing the provisions of the Final Act. It must be said at once that progress has been slow in most respects, but nevertheless evident. As regards human rights, however, the aspect of greatest relevance to Scotland, the picture of a developing situation is becoming clearer than it was even a short time ago.

To put it briefly, the observance of human rights laid down in the Final Act, including the right of self-determination, is accepted by all sides, but is subject to two vastly different interpretations. It has now become clear that the West regards human rights as meaning primarily individual rights (freedom from arbitrary arrest, etc.), whereas in the East Bloc the expression is associated primarily with social rights (e.g. social security and employment for all, with less emphasis on doing as one likes - or "the right to starve", as it has been put). Material security linked to conformity in the East; personal freedom linked to personal insecurity in the West. Put more crudely, in the West human rights means the rights of the individual person; in the East it means the rights of social groups and the community as a whole. Sooner or later there will be some kind of synthesis of these standpoints, or at least an approach to each other, probably with the Neutral and Nonaligned group taking the lead, but this is how it stands at the moment. The question is, how is it likely to affect Scotland?

The establishment by the United Nations that the right to self-determination by distinct peoples is a fundamental human right would seem, if properly interpreted and presented, to satisfy both standpoints, particularly since there are plenty of concrete examples in both East and West to make it clear that what Scotland is looking for is nothing more than the international norm as it exists at this very moment.

Seen in terms of fundamental principles, therefore, the Scottish case for self-determination is unassailable, and must be supported by all the CSCE signatory states, if they are not to be in breach of the Final Act that is now binding on all of them.

## 5. General outlook

In the light of the foregoing, it becomes obvious that the crucial aspect of the Scottish submission to the CSCE is the manner in which it is submitted and presented. The UK Government, with US support, will undoubtedly attempt to kill the submission, possibly by the use of the same methods as have been employed in the UN Commission on Human Rights to subvert the normal processes of consideration.

There are a number of possibilities that can be foreseen at this stage, beginning with a strenuous diplomatic campaign during the preliminary discussions, with the object of preventing the Scottish case from being raised openly at all:

a. Playing down the importance of the Scotland-UN Committee as a handful of cranks with limited membership, no widespread support, and no mandate to present such a submission. This can and must be vigorously countered in advance by the sheer professionalism of the submission, by readiness to produce the third of a million signatures on our petition, by evidence of prominent support, and by the watertight nature of the case presented.

b. Asserting that Scottish self-government is a UK internal matter that is not open to discussion at the CSCE. This argument will not hold water in view of the attitude already adopted towards the Soviet Union on the human rights issue, among other reasons.

c. Asserting that the Scots have already rejected self-government, and in particular that two thirds of the electorate effectively voted against it in 1979. There is no need to repeat all the complex but watertight arguments here, but this has to be killed in advance in the written submission.

d. Claiming that there is no demand for self-government in Scotland at the moment. This can be easily demolished with the available evidence, from election results, party manifestos, and opinion polls. Special Branch agents provocateurs with their fictitious "SNLA", etc., and attribution of bomb explosions to "Scottish terrorists", are playing right into our hands by providing first-class "evidence" of Scottish agitation for constitutional reform.

e. Claiming that Scotland already has administrative autonomy which has worked successfully for generations, and that there is no need for any further legislative devolution. Practically every other government participating in the Conference will see through this at a glance, in the light of their own experience, but special attention should nevertheless be given to it in the main submission, as well as by a well-balanced delegation of national figures at our invitation, if we manage to get a personal hearing.

f. Asserting that the UK is a "nation", and that the Scots are no longer a distinct "people" in the sense of the UN definition. This has already been dealt with in the appendix to the preliminary submission entitled "Scotland's status as a nation". Scotland's distinctiveness is widely recognized abroad, if sometimes in an only half-reasoned manner. The danger remains, however, and must be killed stone dead in the main submission.

Other angles can be dealt with as they arise. For instance, it can be assumed that UK delegates will vigorously oppose the reception of a Scotland-UN delegation, but this simply means that Scotland-UN's own advance preparation of the diplomatic ground will have to be superior. The important thing is to have all the evidence marshalled and at our fingertips ready for any eventuality. The case is sound and watertight, and success will depend largely on how it is presented and submitted, as well as the vigour with which the matter is pursued. The participating delegations will have to see the advantages for themselves in pressing the Scottish case - i.e. the advantages to all that arise from reasserting certain basic principles upon which their own safety and stability depend. In appealing to this, as well as to common advantage and upholding the rule of international law, there is every reason to believe that this application can be a turning point in Scottish history.

## 6. Further action

The main task initially is to collect all the reactions to the preliminary submission, to see if there are any gaps in the case ("cultural genocide", etc.), and write them into the main submission along with an expansion and any necessary clarification of what has been presented in the preliminary document. It might also be a good idea to have one or two names ready for a delegation of, say, half a dozen individuals with an intimate knowledge of the Scottish situation from a number of different aspects - business, local government, culture, law, Parliament, etc. - whom we could invite to take part in the name of Scotland-UN if we are given the opportunity to speak in support of our case at some time. It should also be possible, after the official submissions have been sent, to write to heads of government and foreign ministers personally, perhaps with individual letters rather than circulars, asking for their personal support. Otherwise it is mainly a matter of remaining alert for the inevitable UK/US attempts to kill the matter in Vienna, and taking appropriate action.

James Wilkie

## Suggested questions for Parliament

1. Will the Prime Minister make a statement on the preliminary submission made by the Scotland-UN Committee to the Conference on Security and Cooperation in Europe, with particular reference to the constitutional issues that have been raised?
2. Will the Prime Minister ascertain why no reply has been sent by the Head of State to the Petition on the Scottish governmental situation that was submitted by the Scotland-UN Committee, and will she make a statement on the constitutional issues raised by that Petition?

3. Will the Prime Minister indicate what attitude the UK Government intends to adopt towards the submission made by the Scotland-UN Committee to the Conference on Security and Cooperation in Europe regarding the Scottish governmental situation?
4. Will the Government consider setting up an enquiry into the constitutional issues raised by the Scotland-UN Committee's recent submission to the Conference on Security and Cooperation in Europe?
5. Will the Government issue a comprehensive statement of the constitutional basis of the Secretary of State for Scotland's administration, with particular reference to the issues raised by the Scotland-UN Committee's recent submission to the Conference on Security and Cooperation in Europe, including the Committee's previous Petition to the Queen?