



The Scotland-UN Committee

The Story in Brief

The Scotland UN Committee was founded in the summer of 1979, just after the referendum that resulted in a majority in favour of the proposal to set up a Scottish Assembly with limited powers, and before the scandal of the so-called “repeal” of the Scotland Act by the incoming Thatcher government. Its purpose was to take this flagrantly unconstitutional action, and the Scottish case for self-determination, to the United Nations and the international authorities generally.

The Early Years

Accordingly, a submission was made to the UN Secretariat in New York in 1979, together with most of the third of a million signatures collected on the petition that authorised Scotland-UN to make diplomatic representations on Scotland's behalf (some signatures arrived too late, and are included in the S-UN papers lodged with the National Library of Scotland). A Scotland-UN delegation visited the United Nations Commission on Human Rights at UN Geneva in the autumn of 1980, when a major document was presented setting out the Scottish case. Thereafter, the still open file in Geneva attained substantial proportions with our documentation of every sin committed against Scotland in subsequent years. The Committee also presented the Scottish case to the EEC Parliament, the Conference on Security and Cooperation in Europe (CSCE, now the OSCE) at its meetings in Vienna, Paris, Copenhagen, Moscow and Helsinki, and every national government in the world, amongst many others.

A Petition to the Queen on the issue remains unanswered to this day. This, however, was an essential step, because in order to make a convincing case at international level we had to demonstrate that all possibility of obtaining redress at domestic level had been tried and failed. Some international organisations make this a condition of accepting a submission, and the unanswered petition was all the evidence that we needed.

As early as 1980 we succeeded in destroying an attempt at a “final solution of the Scottish question” in the **Council of Europe in Strasbourg**, when the Thatcher government tried to obtain international approval of its assertion that there was no demand for devolution within the UK. For diplomatic reasons it was essential to nip all such moves in the bud.

Our submission on **The Stone of Destiny** brought a United Nations committee in Paris openly onto Scotland's side (the action also created uproar for weeks on the Glasgow Herald's letters page after it had been reported), and stoked international pressure for the return of the Stone.

We "brainwashed" members of the **United States Congress** as well as **President Ronald Reagan** personally. Three of our representatives addressed a week-long **United Nations conference in Geneva** on the Scottish situation, and on the side established a whole series of discreet diplomatic contacts. These are only examples, and for diplomatic reasons it may never be possible to tell the full story, because we are still bound by the confidential nature of our contacts.

Since we have operated almost exclusively at international diplomatic level on Scotland's behalf our activities impinged only indirectly on the home-rule movement at home. This mostly took the form of feedback of constitutional know-how we had amassed over the years through our contacts with some of the world's leading experts abroad. Our documents entitled **Scotland's Parliament - the Right of Recall by the People**, and **The Sovereignty of the People of Scotland**, exerted some influence on the course of events at domestic political level. These, however, were basically spin-off from our main functions at international level. In later years we issued major influential papers on such subjects as the fishing situation and **Scotland's foreign policy**. We also took up the subject of fishing with the **European Union** directly, and after several years are still awaiting a reply.

From the very beginning, Scotland-UN cooperated closely with other organisations active in the cause of the Scottish Parliament. S-UN members were among the most vociferous participants in the Campaign for a Scottish Assembly (later renamed **Campaign for a Scottish Parliament**, after a paper by a Scotland-UN member pointed out that this was the only correct designation for the Scottish legislature).

The expression "**Scotland's Claim of Right to Self-Determination**", used in the first S-UN submission to the United Nations was taken over by the CSA/CSP, and later by the **Scottish Constitutional Convention**, which was itself a Scotland-UN initiative. Shortly after the 1979 "repeal" charade in Westminster, Scotland-UN circulated a **Blue Paper** to all Scottish local authorities with the proposal that a Constitutional Convention be held to consider what steps were necessary in the light of the new situation. A date was set, and premises were booked in Edinburgh University, but the response did not justify proceeding with the event at that time. The Convention project later took off after an article by a Scotland-UN member in the magazine **Radical Scotland** had set out its main structure and procedures.

One interesting piece of spin-off was the famous "break-in" to the old **Royal High School** building on the Calton Hill in Edinburgh that had been adapted for the Scottish Assembly that was to be set up under the Scotland Act approved by the 1979 referendum. A team led by Jim Sillars entered the building after the so-called "repeal" of the act by the Thatcher government and held a parliamentary debate, but were charged with breaking and entering. Scotland-UN provided the legal case for the defence on fundamental constitutional principles.

When it went to appeal in the **Justiciary Appeal Court** under Lord Wheatley, a known unionist, the court was faced with either formally declaring the "repeal" to be valid, which would have flown in the face of all the relevant constitutional principles and opened the matter to international intervention, or declaring it invalid, which would have been a frontal conflict with the legislature. In the end, the court dodged the issue of judicial review of legislation by declaring that it had no power to decide the matter.

In presenting the Scottish case internationally it was necessary to demonstrate that this was not simply the view of a group of activists, but that it represented a broad national movement. It had to be made clear that Scotland-UN was only one of many aspects of this national movement, and the evidence for this had to be produced on numerous occasions. The existence of organisations like the Campaign for a Scottish Parliament and the Scottish Constitutional Convention was only the tip of the iceberg of evidence that had to be presented in order to make the case.

This covered a broad spectrum, from SNP election results and publishing trends to the results of opinion polls and the activities of innumerable other organisations. This was all essential in order to make the case. One that made a significant impression in international diplomatic circles was the **Vigil for Democracy** on the Calton Hill; it was the perfect kind of proof of public opinion that we needed.

In the 1993 **Memorandum to the Council of Europe** we offered to arrange for a delegation of representatives from all of the relevant institutions to meet with the Council to discuss the situation in Scotland. In the end, however, the Council of Europe took the matter further on the strength of the Scotland-UN Memorandum alone, and started a series of investigations that exposed the serious shortcomings of the UK's democratic system.

Then the World Around Us Changed

After the **revolutionary events of 1989, with the end of the Cold War, the fall of the Iron Curtain** (which was attended by a Scotland-UN representative) **and the break-up of the bipolar world system**, our task changed significantly. We were no longer restricted to simply making representations to other governments and international organisations on Scotland's behalf, but could now take advantage of the political and legal opportunities opened up by the new developments. The emphasis of our activities switched from the United Nations – without entirely neglecting the global aspects – to a concentration on **the new European “political architecture”** that was starting to emerge. Our judgement proved correct, for it was here that the final breakthrough occurred.

Following is a short description of **a major – and, as it transpired, decisive – coup we achieved in Strasbourg**, which turned out to be **the final breakthrough in the centuries-old saga of the Scottish Parliament**. Due to diplomatic secrecy it may be years before the full story can be told, although the first concrete evidence is now emerging with the opening of the records of the Council of Europe. The relevant papers of the Foreign and Commonwealth Office and the Cabinet Office will not be available for some time.

Meantime, it may give our readers an impression of the “other world” in which we operated for almost three decades, in the rarefied atmosphere of **international diplomacy at the highest level**, and of the issues involved. Some explanation of the international diplomatic background is necessary for an understanding of what follows - and that is based to a great extent on information from diplomatic sources that cannot be named.

In September 1993 the Scotland-UN Committee presented a **Memorandum to the Council of Europe**, the oldest of the major European institutions, on the occasion of its summit meeting the following month in Vienna. Nationalism in Europe was to be one of the main issues for discussion by the European heads of state and government, and the Scotland-UN Committee wanted to ensure that Scotland’s case would not go unheard or be misrepresented at the meeting, as had happened before.

One must understand that the major “civilian” European institutions (leaving NATO and others out of consideration) all have their own specialised functions, albeit with a degree of overlapping. The Strasbourg-based Council of Europe (CoE), now with 47 member states, exercises a wide range of functions, including setting, supervising and enforcing the European standards on **pluralist democracy, the rule of law and human rights**. It is the CoE that operates the European Court of Human Rights.

The European Union (EU) and the Organisation for Security and Cooperation in Europe (OSCE) have also adopted the standards set by the CoE in these fields. Every applicant for membership of the EU or the OSCE has to comply with the rules laid down by the CoE. Every country that seeks development aid from these institutions has to agree to these standards before a contract will be signed. It is the CoE’s rules on pluralist democracy, the rule of law and human rights that NATO (military) and the OSCE (civilian) are enforcing and developing in the Balkans and other trouble spots. **No state has ever been allowed to join the European Union (and its predecessors) without first having become a member of the Council of Europe.**

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It is a diplomatic axiom that **security is indivisible** nowadays – that there can be no security for any individual country in the midst of an insecure world. Furthermore, the whole concept of European security has been redefined in recent years, with the military aspect now rather in the background. Uncontrolled mass migration and unsafe nuclear power stations are issues of international security, as are undemocratic governmental systems that can become a focus for political and social unrest that is capable of spreading across frontiers.

This is why the European institutions in 1993 were making massive efforts to stabilise and consolidate the ex-Communist reform countries of Central and Eastern Europe on the basis of the Council of Europe’s “three pillars” - pluralist democracy, the rule of law, and respect for human rights. The methods used were the carrot and stick - vast resources made available for political development, but no aid or admission to the European institutions if those three pillars were not built solidly into the new state systems.

The New Power Diplomacy

Clearly, however, the CoE, OSCE, EU, NATO, etc. could not dictate democratic standards to the countries of **Central and Eastern Europe** while simultaneously tolerating a flagrant violation of these principles (**the Scottish governmental system**) in an existing member state.

It therefore came as a rude shock to the diplomats who were laying down the law on pluralist democracy to the countries in transition from Communism when the Scotland-UN Committee pointed out the details of the Scottish constitutional and political structure to them (at that time a Tory Secretary of State and his ministers running the country with the support of only 6 Scottish Conservative MPs). As the Scotland-UN memorandum put it, the Council of Europe was rejecting applications for membership from countries whose political systems did not meet its standards, while at the same time ignoring the existence of a pseudo-democratic autocracy in an existing member state – a system that did not even possess the trappings of democracy that had existed in Eastern Europe under communist dictatorship.

Clearly, the existence of such a political system within an established Western member state was cutting right across the Council of Europe's policy and was endangering the democratic security (the current diplomatic expression) of the entire continent at a particularly crucial turning point in Europe's history.

The East European diplomats in particular, who had taken an interest in Scotland for several years, were not going to put up with an ongoing sermon on pluralist democracy while nothing was being done to correct the Scottish system. The situation was all the more delicate because the **Russian Federation** under President Boris Yeltsin was desperate to get into the Council of Europe, the gateway to the G8 group and much else.

Accordingly, the **Memorandum – a modern Declaration of Arbroath** – was carefully worded to accord with all of the then current diplomatic principles and practice, and was then sent to the CoE General Secretariat and the foreign ministries of all its member countries as well as to those of Russia and the other East European states. Some of the issues were also discussed with CoE officials in advance.

This procedure was carefully thought out, for **two reasons**. Firstly, we were under no illusions about the ability of the UK government to have the matter swept under the carpet through its diplomats on secondment to the Council of Europe. We wanted to **pre-empt any such action** by directly involving three dozen other member governments, when the Scottish case could no longer be kept secret.

Secondly, we were out to use Russia and the other applicant countries of Eastern Europe as a counterweight by presenting the Scottish case as **a weapon they could use to advance their own**.

There was consternation at the Council of Europe when the facts of the Scottish political situation were revealed, although CoE Secretary-General Catherine Lalumière outspokenly praised the memorandum's presentation of the Scottish case.

Scotland-UN **deliberately played the major powers of Europe against each other** in a hard-nosed exercise of diplomatic blackmail. The gist of the S-UN communication to the applicant countries of Eastern Europe was: look at what they are demanding from you, and then look at what is happening to Scotland in an existing member state. The Russians in particular knew how to use it. Among the points it made were:

“If there are to be criteria for admission to membership, it follows that there ought to be a system for monitoring the maintenance of these standards after entry...”

“We therefore strongly recommend that the Council of Europe should establish a mechanism for monitoring the maintenance of democratic standards within member states...”

“These democratic standards must include the freedom of identifiable peoples to exercise their right of self-determination as guaranteed under international law.”

The Council of Europe was thereby forced to abide by its own rules, whether it liked it or not. The **Vienna Declaration** subsequently issued by the 1993 Summit - quite obviously influenced by the Scotland-UN submission, which had proposed certain international sanctions against the United Kingdom in the event of non-compliance – expressed the Council of Europe’s determination to ensure that all of its member states adhere without reservation to the commitments they have undertaken under its auspices. However, it took some time to translate this into practice.

The new procedures for monitoring these commitments in the areas of pluralist democracy, the rule of law and human rights were worked out by the CoE during 1994 and 1995, and finally approved by the Committee of Ministers in the spring of 1996. **The first UK monitoring session**, held in June 1996, covered the issues of freedom of information and expression as well as the country’s democratic institutions, including political parties and free elections.

The **investigation by the CoE Monitoring Committee** took place in four stages: Review-Debate-Conclusions-Measures. It was held in secret, for diplomatic reasons, but the report on the UK was of course distinctly unflattering in the light of the Scotland-UN memorandum and the Council’s own investigation of the situation. The documents that have been released to date show that **the UK’s democratic system was considered to be on a level with those of the most primitive states in Europe.**

The discussions and conclusions in Strasbourg were confidential, but more and more information is nevertheless coming to light that conclusively proves the accuracy of the Scotland-UN account of how devolution came about, although a full report will have to await the opening of the records of the Foreign and Commonwealth Office and the Cabinet Office.

A second monitoring series was started, covering the workings of the judicial system and democracy in local government (the latter badly needing scrutiny in Scotland), and this programme was expanded into other areas of government in subsequent years. These investigations by the Council of Europe completely vindicated the case made to it by the Scotland-UN Committee.

There could be no question of applying double standards throughout Europe, and action had to be taken on Scotland, Wales, London and various other UK constitutional issues (appointment of judges, etc.). **The conclusions arrived at by the CoE Committee of Ministers**, from its first monitoring meeting in June 1996 onwards, **had to head the new Labour government's programme in 1997**, or there could have been far-reaching consequences, including international sanctions under the existing rules.

It should be emphasised that, while the Scotland-UN Memorandum initiated the process, and played a significant part as a reference document in what came after, once the Council of Europe had inaugurated its monitoring system and its own investigations it was not just Scotland, but the entire UK democratic structure that was found to be defective and in need of drastic overhaul. There was no mention of Wales or London, or the procedure for appointing judges, in the Memorandum, because the Council extended the investigation into those and other fields on its own initiative.

The **Thatcher government**, whose corrupt manipulation of the 1979 referendum was by now clear to everyone, was not amused by the Scotland-UN activities, to put it mildly. In reply to a parliamentary question at Westminster in 1989 by **Dennis Canavan, MP** (the only Labour politician to cooperate with Scotland-UN) Prime Minister Margaret Thatcher had stated that she did not consider the matter of self-determination for Scotland to be cognisable by the Conference on Security and Cooperation in Europe (Scotland-UN's campaign at the CSCE had clearly begun to bite).

That attitude very shortly had to be revised. Another question by Mr. Canavan, to Labour Foreign Secretary Robin Cook in January 1999, elicited a grudging admission that the investigation by the Council of Europe had in fact taken place and that **the relevant information would be released in due course when available** – early but clear proof of the success of the Scotland-UN action in Strasbourg. More than a decade and a half later, the Foreign Office is still keeping this information under lock and key, and Home Secretary Jack Straw blocked a relevant Freedom of Information request on the matter.

The Breakthrough

The heat was on the UK by now, and there was no longer any possibility of putting off reform of the Scottish political and administrative structure. This hot potato initially landed on the lap of the Conservative government under **Prime Minister John Major**, who had no time to do anything about it before he was out of office at the 1997 election. He was no doubt extremely thankful that the matter immediately bounced onto the lap of his Labour successor, **Tony Blair**, who had had no intention of doing anything about devolution, but was now forced to take action, whether he liked it or not. The lack of serious political opposition to the devolution legislation may seem surprising, but it merely reflects the fact that all the party leaderships at Westminster knew the background and were aware that it was an obligation that could not be avoided.

The matter had been exercising the **Foreign and Commonwealth Office** behind closed doors since the 1993 European Summit (a copy of the S-UN Memorandum had of course been sent to London too), and especially since the first UK monitoring session that was held by the CoE Committee of Ministers in June 1996.

The Labour leadership had tried to kill the Strasbourg action as early as 1993, even before attaining government office, but the attempt ended in a monumental diplomatic disaster that never achieved publicity.

However, by that stage devolution was not a party project at all, but a foreign policy commitment that had to be fulfilled, no matter what government was in office.

The Council of Europe papers that are now becoming available reveal that the UK's local and regional governmental system **came nowhere near meeting the international norms**, and indeed that the UK was regarded as being on the same level as Europe's most democratically underdeveloped states in that respect. The central point, made in ultra-polite diplomatic language with concealed fangs, was that **failure to adhere to the CoE's democratic norms would be "incompatible with membership of the Council"**.

In plain language, get Scotland, Wales, etc. sorted out or the UK would be expelled from the Council of Europe!

This would have been a sanction with very far-reaching economic and political effects, because membership of other European organisations like the Organisation for Security and Cooperation in Europe (OSCE) or the European Union (EU) is also conditional on adherence to the Council of Europe's standards. Such a move would have set off a political earthquake throughout Europe, to say nothing of its effect on UK domestic politics, and especially Scotland.

The decision to hold another (unnecessary) referendum on devolution must be seen against this background. It was possibly regarded as a delaying or even a potentially wrecking tactic now that action on the Scottish situation was unavoidable. It was simply the minimum action likely to be acceptable in Strasbourg.

Blair would never have given the matter the parliamentary priority it received if the authorities in Strasbourg, concerned about the effect on Eastern Europe, had not been at his heels in order to get rid of this embarrassment as soon as possible. However, the **overwhelmingly positive result of the referendum** put the issue beyond doubt, and the result was that Russia and the others were admitted as full members of the Council of Europe, and Scotland and Wales got their parliaments.

Needless to say, the entire foreign diplomatic corps in the UK was keeping a close watch on the referendum, and in the event of any rigging tactics this time the UK government was going to be in serious trouble at international level, especially with the EU presidency due to start a few weeks later.

The arch-centralist **Robin Cook**'s earsplitting silence during the referendum campaign no doubt owed much to the realisation that, as Foreign Secretary, he was the one who would have to do the explaining before the international authorities if Labour made a mess of it this time - bearing in mind that a fully functioning Scottish national legislature, and not simply a referendum, was the proof of the pudding in this instance.

The international situation generally - i.e. quite apart from the CoE - had also changed since 1989 in the respect that there were now other sanctions available for use against any government that failed to maintain the required democratic standards. For example, the European Union's Intergovernmental Conference in 1996 agreed that this would entail the suspension of that country's rights of membership, including its voting rights in the EU Council.

That, of course, would have had the effect of a political nuclear bomb in the international community, to say nothing of its effect on Scotland. So Tony Blair and his friends knew very well why they, no doubt grinding their teeth, were calling for a double Yes vote in the referendum – at least at leadership level, because the party was conspicuously absent from the scene at local level during the referendum campaign, which was carried by the SNP's campaigning organisation, and by the Liberals.

Prime Minister Tony Blair and Chancellor of the Exchequer Gordon Brown both ostentatiously boycotted the opening of the Scottish Parliament itself, and later the Holyrood building, in order to demonstrate their personal opposition, and that of the Labour Party, to the whole devolution project.

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That is the situation that Tony Blair described as “a damnable nuisance”, although he did a typical politician's volte-face by making a virtue out of necessity and claiming the referendum as the Labour Party's policy all along!

The truth is, however, that the centuries-old home rule nut was finally cracked by Scotland-UN with a piece of hard-nosed international diplomacy that involved playing major powers against each other, and which in the end forced London to concede the referendum or face international sanctions.

The Labour leadership had had no intention of doing anything at all to restore the Scottish Parliament until their hand was forced. Their attempts to kill the devolution project having been unsuccessful, Labour was left with no choice but to accept the new reality while at the same time trying to hijack the movement and limit it as far as possible. This meant maintaining control over it, compensating for it to reduce its effects, and presenting it as a Labour initiative while suppressing the truth about how it came into being.

The instrument for the implementation of this policy was **Donald Dewar**, Secretary of State for Scotland, who in previous years had ridiculed the very idea of a “toytown parliament” in Edinburgh.

It was Dewar who presided over the unconstitutional attempt to shift the Scotland-England marine border far to the north of Berwick, in order to transfer 6,255 square miles of oil and other resources into the English jurisdiction without inviting Scottish opinion.

It was Dewar who came up with the totally superfluous **Holyrood project**, without as much as asking the people's representatives in Westminster or Edinburgh whether they even wanted a new parliament building, as a means of regaining the initiative on devolution for Labour as well as glorifying himself.

It was under Dewar's watch that the Scottish Government was given the title of "Executive", in order to minimise its status. Sewell motions were used in order to transfer Scottish devolved decision making back to London. The now superfluous post of non-elected Secretary of State was retained as a unionist weapon for use against the elected Scottish representatives. All this and more had the purpose of watering down the degree of home rule that had been enforced by the international authorities and decisively endorsed by the people of Scotland.

And it was Dewar who instigated the selection process for Labour MSP candidates that ensured that they would be mainly intellectually down-market and easily controlled unionist party hacks, in order to keep Holyrood under London's thumb. He deliberately dumbed the Scottish legislature down for more than a decade by this means. It was a catalogue of subversive intrigue and treachery unparalleled in our country's recent history.

There is therefore no truth whatsoever in the assertion that the devolution of political power to Scotland, and the restoration of the Scottish Parliament and Government, was an initiative by the Labour Party. The full story of Labour's attempts to retain power in Scotland by any means whatsoever has still to be told, and indeed these tactics (including the suppression of the real facts of devolution) were successful to the extent that they enabled the party to cling to office for a further eight years.

Truth may be a philosophical concept, but the hard fact is that the restoration of democratic government in Scotland was forced on London by the international authorities as a foreign policy commitment that had to be implemented under threat of international sanctions.

It was a sair fecht

The Scotland-UN members could relate anthologies of the anti-home rule tactics we encountered over the years. Our telephones were permanently tapped (which provided us with considerable amusement by passing on (dis)information we wanted "them" to hear) and for years on end our mail was opened without even a pretence of concealment. A letter signed personally by a foreign head of state with the presidential crest on the back was steamed open and not even re-sealed.

Home-based committee members were followed and harassed on the streets of Glasgow by Special Branch and uniformed police. One of our representatives in Washington had to drop out because of threats to his career.

Character assassination has been used extensively against us, at home and abroad. A student member was told that if he wanted his PhD ... and so on.

A surreptitious attempt to unseat one of our European representatives, including a particularly vile campaign of character assassination that was organised direct from 10 Downing Street, ended in an unprecedented diplomatic disaster – which, to our regret, we are precluded from publicising meantime, for diplomatic reasons.

Nor have there been any scruples against using more underhand methods. One member survived an assassination attempt on the A77 on the way from Kilmarnock to Glasgow, the only result being a large-calibre bullet hole in his car. The police, of course, never found the culprits, despite a comprehensive forensic investigation.

A few days later, according to the official version, one of our two legal advisers committed suicide by shooting himself in the back of his head, walking fifty yards to drop the gun into a ditch, and then strolling back to his car to die in the driver's seat.

It has been a long, hard uphill battle against every weapon – literal or figurative - an unscrupulous establishment could turn against us. We are therefore grateful for all the support and encouragement we have received at home and abroad - not least from around one third of a million Scots who signed our petition requesting us to take diplomatic action on Scotland's behalf, because this was our authority for doing so.

Thanks also go to all former members of Scotland-UN who made their contribution in their time, for we all stand on the shoulders of those who went before. And, not least, to the many people in high places who could not allow their names to be used, but who actively encouraged our work, and in some cases substantially financed it.

The legacy of Scotland-UN will not be seen in Scotland alone, for the Council of Europe's monitoring system that is now going to protect other European peoples against their own governments is a direct result of our submission on behalf of the people of Scotland. Indeed, its effect is likely to be global, for it is practically certain that the system will eventually be taken over by the large number of similar regional organisations that have emerged in all the other continents in recent years and have modelled themselves on the pioneering European institutions.

The Scotland-UN Committee was formally wound up in 2007, its mission complete with the restoration of democracy in Scotland, the recall of the Scottish Parliament and the establishment of a Scottish Government, albeit only in devolved form. Although this primary aim - the recall of the Scottish Parliament – has been achieved, and further developments are a matter for the Scottish people to decide, there is still considerable scope for backsliding and sabotage in order to hinder its effectiveness and prevent necessary further developments.

And so the people behind **Scotland-UN** are keeping their powder dry. Consideration is being given to the formation of a successor organisation to represent Scotland at international level, and in the event of any further sabotage attempts we will not hesitate to reopen the whole matter at global and European level and call the international authorities to Scotland's aid, as our forefathers did in 1320.