

**AFTER DOOMSDAY....  
THE CONVENTION AND SCOTLAND'S CONSTITUTION**

**RISIS**

**Iain Macwhirter**

**Introduction**

The scene is a press conference in Labour's Glasgow headquarters, Keir Hardie House, a week before the Glasgow Convention. Labour's Foreign Affairs spokesman Gerald Kaufman had called the day to do his bit. What, he was asked by a journalist, did he think of the idea of Independence in the UK? A look of distaste crossed his face. "What does it mean?" he snapped, "It's not worthy of the name. If someone knows what it means, I wish they'd tell me". Jonathan Ross grins as the Scottish Secretary of the Labour Party, Murray MacLeish, steps out and grasped Mr Kaufman's arm. Quietly, but firmly, he tells the senior shadow cabinet member that this was, in fact, Labour's policy on Scotland.

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Only Mr Kaufman's debating skill prevented this becoming a major Labour gaffe since the leader of the Party, Neil Kinnock, had argued for devolution to environmental conditions in the Himalayas. Mr Kaufman, of course, had come prepared to rubbish the Scottish Secretary's 'Independence in Europe'. His understandable confusion over the 'I'-word was a measure of just how far Labour policy had been transformed as a result of their participation in the Convention.

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The fact that 'Independence in the UK' is something of a new term in terms is not the point. Labour MPs and party activists were genuinely surprised, and many of them much gratified – by the change in attitude to the National Question. In the 1970s, Labour proposals were a more or less cynical attempt to stifle the Scottish National Party. In 1989, by contrast, Labour have managed to grasp the initiative, and have frustrated the nationalists – at least for the time being – by abjuring all devolutionary formulae, in favour of what active nationalists call 'I', Donald Dewar's 'Independence in the UK'. There is a strong case about Labour's policy on Scottish Home Rule. This has been almost entirely a result of pressure from outside; pressure which was contained and focussed by the Convention.

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Doomsday Scenario – into which Scotland gingerly stepped after the 1987 General Election. The Scottish Conservatives had lost eleven MPs, including two Scottish Office Ministers, the Scottish Whip, and the Solicitor General for Scotland. Labour had returned 50 out of the 72 MPs, and with the Scottish Democrats and the SNP, the combined Scottish Opposition outnumbered the party of Government by nearly six to one.

This chapter charts the events leading up to the first meeting of the Constitutional Convention in March 1989, and argues that these events have resulted in the transformation of the Labour Party's approach to the National Question.

### The Road to the Convention

Following the 1987 General Election the Conservatives peered over the brink of political oblivion – a bleak counterpoint to Mrs Thatcher's third victory with a hundred seat majority in the UK – and many on the intellectual wing of the Tory party in Scotland decided that only devolution, or at least constitutional change, could start the revival of Scottish Conservatism. In July 1987, a document was prepared for the Scottish Conservative and Unionist Association by senior party officials which concluded that Mrs Thatcher might actually be an "electoral liability" in Scotland. Visits to Scotland by Cabinet figures had been "counter-productive". The report, which some said betrayed the hand of the liberal Tory lawyer Professor Ross Harper, was called "The Way Forward". It demanded a debate on devolution and called for a change of policy and presentation in Scotland. The document was extensively leaked over the summer of 1987 and its significance was that it contributed to a general, inchoate mood in Scotland for a change in the constitutional relationship with England. This mood was above party, and largely above class.

It is certain that the Scottish Secretary Malcolm Rifkind examined "The Way Forward" closely. It might even have concurred with his own thinking. Mr Rifkind had voted "Yes" in the 1979 Devolution Referendum, and while he says now that this was a mistake, he still admits to finding federalism "intellectually appealing". But above all he is a shrewd politician, and a realist. Mr Rifkind laid "The Way Forward" aside. It was not the time for a dialogue on the Constitution. The priority, as he saw it, was political stabilisation in Scotland. That meant stability within the prevailing order, and under the radical terms set by Mrs Thatcher for her third administration.

Very soon it became clear that the Scots were not going to take to the streets over Home Rule. "Devolution had not been an issue on the doorsteps during the election", was the line put out by the Scottish Office. In other words, 'the Scots may not like Mrs Thatcher, but that does not mean that in 1987 they were voting for devolution'. In taking this line, the

Scottish Tories unwittingly set the terrain on which the next General Election is to be fought. The energies of supporters of Home Rule turned in 1988 to the problem of how to make absolutely sure that in the next election a Scottish Assembly *would* be an issue, and that the message would be communicated clearly and unequivocally that Scotland wanted self-government.

Mr Rifkind's difficulties in filling first the Scottish Office ministerial team, and then the various House of Commons committees were presented, in the Scottish press, as exemplars of 'bunker Toryism'. Two of the five remaining back-bench Tories – Allan Stewart and Bill Walker – refused to take part in the Scottish Select Committee. Mr Walker said it would be "a waste of his valuable time". And though the Scottish Select Committee is not strictly speaking the responsibility of the Government, Mr Rifkind drew some sharp fire from the opinion columns for allowing the Scottish Select Committee to lapse. After Scottish Question Time and the Scottish Grand Committee, the Scottish Select Committee was the only remaining form of back-bench scrutiny of the Scottish Administration. Its demise brought the question of 'accountability' into sharp focus.

But while Mr Rifkind had presentational difficulties over his lack of foot-soldiers, he could console himself with the thought that he, as he remarked himself, had the "Gatling Gun". Labour had lots of noisy MPs but Rifkind had the hundred seat Conservative majority in a unitary House of Commons and that would guarantee that decibels were all that Labour could deliver.

The 1987 General Election was as much a crisis for Labour's Scottish leader Donald Dewar – at least in the short term – as it was a disaster for the Scottish Tories. Mr Dewar was, and is, a supporter of devolution, but he is also a constitutionalist who did not endorse the growing clamour from within his party for some kind of extra-parliamentary action to expose the lack of a Government 'mandate' in Scotland. At the first Scottish Question Time of the new parliament, when Denis Canavan the neo-nationalist Labour MP for Falkirk West, drew attention to the presence of 31 Tories from English constituencies on the Government benches by crying "I spy strangers", his leader drew back. In the subsequent division Labour were at odds, and some Labour backbenchers lamented the loss of a rare opportunity to expose the paucity of Scottish Tory MPs. Over the winter of 1987/88 there were mutterings from the Scottish Labour back-bench and the constituency parties that 'Donald was not the man for the job'. He was 'too responsible' and 'colourless' and altogether too thrwn to the rules of the Commons club. However, there was no-one else in Labour ranks who could do the parliamentary job half as well, and the 'rebellion' was confined to the pubs. But Labour's failure to make anything of their electoral success stimulated the growth of a new 'grassroots' neo-nationalist tendency in the Scottish Party, which was to emerge at the 1988 Scottish Conference as

“Scottish Labour Action” (SLA). This ginger group was to have a major impact on Labour’s trajectory, and on its attitude to the Convention.

SLA – or the ‘Scottish Liberation Army’ as some activists dubbed it – leapt over the head of the Labour Co-ordinating Committee and other tendencies, to become the most influential grouping within Scottish Labour Politics. Its agenda was to challenge the introduction of the poll tax, or community charge, by civil disobedience if necessary, and to do this with the intention of challenging the Government’s mandate to rule in Scotland. It wanted action from Scottish MPs and called on them to stop playing by the ‘club rules’ in Westminster. SLA won the support of at least five Labour MPs, including Robin Cook, George Galloway and Dick Douglas, which must go down as one of the most bizarre alliances in Scottish Labour history. The founders of SLA – a Glasgow Lawyer called Ian Smart, and the Edinburgh Labour activist, Bob McLean – became minor celebrities on the constituency speaking circuit. They firmly rejected Labour’s traditional policy of legislative devolution, echoing Enoch Powell’s dictum that ‘power devolved is power retained’. But they as yet had no alternative.

#### A Claim of Right

In the dark years of the early 80s, the Home Rule flame had been kept alight by a handful of dedicated devolutionaries in the Campaign for a Scottish Assembly (CSA). The indefatigable chairman of CSA, Jim Boyack, was to be seen annually at the party conferences lapelling anyone within lobbying range. Another prominent activist in CSA was Jim Ross, a retired senior civil servant at the Scottish Office, who had headed the Devolution Division under the last Labour Government. After 1987, Mr Ross turned his formidable intellect to the task of turning the potential constitutional crisis of 1987 into an actual one, and in doing so undermining the unitary British State. Under the auspices of the CSA, he condensed his insights into a document called *A Claim of Right for Scotland*. This is now widely acknowledged as one of the important documents of contemporary British history. To date, more than two thousand copies have been sold. Its importance lies in the cogency of its analysis of the crisis facing the British Constitution, and its almost Leninist hard-headedness about organisation. It is worth quoting the *Claim of Right* at length:

“Scotland is facing a crisis of identity and survival. It is being Governed without consent and subject to the declared intention of having imposed upon it a radical change of outlook and behaviour which it shows no sign of wanting. All questions as to whether consent should be part of government are brushed aside... Scottish history is selectively distorted and the Scots are told that their votes are lying; that they secretly love what they constantly vote against..... But Scotland is unique both in its title to complain and in its awareness of what is being done to it.”

“We are under no illusions about the seriousness of what we recommend. Contesting the authority of established government is not a light matter. We could not recommend it if we did not feel that British Government has so decayed that there is little hope of it being reformed within the framework of its traditional procedures”.

“Scotland; if it is to remain Scotland, can no longer live with such a constitution, and has nothing to hope from it. Scots have shown it more tolerance than it deserves. They must now show enterprise by starting the reform of their own government. They have the opportunity, in the process, to start the reform of the English constitution; to serve as the grit in the oyster which produces the pearl.” (*Claim of Right* p.23-24).

The founding document of the Scottish Constitutional Convention did not exactly fall dead from the presses, but neither did it seem about to arouse Scotland from its constitutional slumbers. The *Claim of Right* was launched at a down-beat press conference in Edinburgh’s George Hotel in the middle of the political off-season in July 1988. A collection of the great and the good of radical Scottish politics, chaired rather haltingly by Sir Robert Grieve, it appeared to many of the journalists present to be the launch of just ‘another pamphlet’ on devolution. The Conservatives dismissed it as more devolutionary ‘mumbo jumbo’. The SNP claimed that they had been the first to call for a Constitutional Convention and that the document simply rehashed Labourite devolution from 1978. Labour’s Scottish leader Donald Dewar was not happy, initially, with the references to “breakdown of respect for law” (p.11), and “contesting the authority of established government” (p.24). Labour, he said, would have to think very carefully about the wisdom of joining any “extra-parliamentary talking shop”. However, in a remarkably short time Mr Dewar was to become something of an enthusiast.

It is not clear exactly when the decision was made to take Labour into the Convention. Even members of Labour’s Scottish Executive seem confused about precisely when the transition was made. The question was put to Labour Party affiliates in a consultation exercise in Autumn 1988. But the pace was forced by, of all people, Donald Dewar, who became convinced of the case for a Claim of Right sometime in September 1988. On October 21st he delivered an address to students in Stirling University which made clear Labour’s intention to participate. “Scots”, he said, “are going to have to learn to live dangerously for a while.”

#### Origins of the Convention

The sequence of events is more than usually important, here, for there is already inaccuracy creeping into accounts of the origins of the Convention. Some have suggested that Labour went into the Convention as a panic reaction to their defeat in the Glasgow Govan by-election. This

sounds plausible, especially to cynics both in and out of the Labour Movement, but it is not true. The Govan by-election took place on 10th November 1988, by which time Labour was already in. The decision was taken at the September Scottish Executive to call for a positive response to the consultation and by the end of October 1989 the result supported participation by 32-2.

Of course, the Govan disaster, where Labour lost a 19,500 majority and one of the safest Labour seats in the land to Jim Sillars, was a profound shock to the Labour movement as a whole, and reinforced the leadership's conviction that there was no alternative to the Convention road. Govan exposed deep disillusion and unease in the Party about Labour's conduct of Scottish politics since the General Election. The SNP's jibe of 'feeble fifty' had hurt. Neil Kinnock was not trusted on the Scottish question, particularly after his dismissal of Home Rule at the 1988 Party Conference. Donald Dewar had been humiliated, said activists, by his "slavish" adherence to the rules of Westminster. Party workers had voted with their canvass cards in Govan and had stayed away in droves.

The week after the SNP victory SLA issued a leaflet headed "Gubbed in Govan". "The slaughter on the Southside", it said, "was a vote of no confidence in Labour's Scottish leadership and their inability to come to terms with the Scottish Dimension". The pamphlet called on Labour to participate fully in the Constitutional Convention, and foster a "cross-party consensus on Home Rule".

It is curious, given the SNP's subsequent attitude to the Convention, that the morning after Govan, Jim Sillars, the new nationalist MP, agreed that his victory underlined the need for cross-party cooperation. Sillars called for a "dialogue" with all those in the Labour Party who supported Home Rule. He made it clear that he felt Scotland could only achieve self-government by concerted action, and not by narrow party defensiveness. If this was an endorsement of the Convention, it was not one that was to last.

After Govan, Scotland became a news story again. Foreign camera crews, and newspaper journalists began trekking across the country looking for the answer to the 'Scottish Question'. It was just like the 1970's all over again, and great fun for those in the business. The SNP remained high in the opinion polls for four months. In January 1989 the SNP stood (according to System Three) at 32%, only four percent behind Labour. It was the party's best performance since 1977, and moreover, coincided with polling evidence that the Scots were becoming interested in the SNP's idea of Independence in Europe. Of course, opinion polls often just tell you what you want to hear. The same polls suggested that Independence from England was still profoundly unpopular. But it was powerful stuff, and it went to the nationalists' heads.

The Conservatives watched developments after Govan more intrigued than alarmed. The Health and Education Minister, Michael Forsyth, said that if nothing else, the "log jam of Scottish Politics" had been broken by the SNP victory. Alan Stewart, the Tory MP for Eastwood, and a former Scottish Office Minister, said that Independence made more sense than devolution, and that perhaps it was time for the Scots to make up their minds once and for all. This sentiment was echoed by Bill Walker the MP for Tayside North. He told Mrs Thatcher that she should call a snap referendum on the single question of "Independence or the Union", and destroy Labour on the rack of nationalism. Malcolm Rifkind said Labour were reaping the reward of their "flirtation with nationalist rhetoric". Privately, some Tories saw possible electoral windfalls from an SNP revival, as the nationalists split the opposition vote, and allowed 'Tory' seats like Strathkelvin and Bearsden to return to the fold. Other Conservatives feared that this opportunistic approach might polarise Scottish politics to such a degree that the Tories might actually succeed in demolishing the very Union they sought to defend.

The Scottish Democrats called for the Treaty of Union to be renegotiated. Their Scottish leader, Malcolm Bruce, said that "devolution was dead", and that the way forward was via cross-party Constitutional Convention which would mobilise popular support for a Scottish Parliament. It's easy to dismiss the Scottish Democrats as an irrelevance, given their self-destructive tendencies since the merger of the old Alliance parties. But the party had, and has, nine Scottish MPs, only one less than the Tories. Moreover, the Democrats and their predecessors could claim, justifiably, to have been the most consistent supporters of Home Rule in Scottish Politics since the War, and to have backed the Constitutional Convention from the outset. They sought a role as mediators, and at the start of the process of forming the Convention, they carried considerable moral weight.

#### **The Role of the SNP**

The first formal cross-party talks on the Scottish Constitutional Convention took place on 27th January 1989. The SNP leader Gordon Wilson, Labour's Donald Dewar, and the Democrat leader Malcolm Bruce led delegations into the COSLA offices in Edinburgh to hammer out the ground rules for the project. The discussions were, according to observers, tough-minded but positive. Some Labour members found it difficult to believe they were actually sitting around a table with Jim Sillars, the former Labour MP who had tried to set up his own Scottish Labour Party in the 1970s before switching to the SNP. Mr Sillars probably felt a sense of unreality too.

Negotiations that day centred around three SNP demands. First, representation. The nationalists were not prepared to accept the 8% of the

Convention's seats which had been allocated to them by the steering committee. This had been calculated on the basis of the 1987 General Election result. But high in the polls after Govan – only 4% behind Labour – the SNP demanded that this be increased. The second issue on that day was sovereignty. The SNP wanted assurances that the Convention was not simply going to be a Labour front organisation; one that would just endorse old-style devolution. They wanted a commitment to the Sovereignty of the Scottish people; an implicit rejection of Westminster's mandate in Scotland. The final SNP demand was the most awkward, legitimisation. The *Claim for Right* had suggested that, at the end of its year-long deliberations, the Convention should ideally put its findings to the Scottish people in some kind of Referendum or other 'test of opinion'. The SNP wanted a multi-option Referendum, in which the option of 'Independence in Europe' would be included, along with the status quo and devolution.

Some in the SNP say now that these were intended to be demands which Labour could never accept. All the more surprising, then, that Labour more or less accepted the first two, at least in principle. On the multi-option Referendum, Labour offered a compromise. The SNP were concerned that because Labour were the dominant force in the Convention (however you did the arithmetic) then their wishes would inevitably prevail. Labour offered 'progress by consensus', which meant that they would agree not to force a vote on any issue of principle for the SNP or the Democrats. After three and a half hours of discussion, it was agreed by all parties that these issues would not be resolved then and there. The press were told that a business committee would be set up, along with a secretariat, and the parties would agree to participate in the first full plenary of the Convention on 30th March in Edinburgh.

The three party leaders gave the largest media news conference that Scotland has seen for any non-election political event since the 1970's. Malcolm Bruce, the Democrat leader called it an "historic event". Donald Dewar, looking more than usually thoughtful, said that there was "a long hard road ahead", but that "useful work had been done, and there was a basis to move forward and to explore common ground and work to a common programme". Even the SNP leader Gordon Wilson said that the meeting had been "very successful". All agreed that there would be further cross-party talks.

Gordon Wilson was careful at that news conference to make it clear that SNP participation in the March 30th Convention "could not be assumed". But such is the power of the image in modern politics, that the mere TV pictures of the three leaders sitting together, smiling and apparently agreeing with each other, was enough to set SNP traditionalists on fire.

Over that weekend the SNP negotiating team (Jim Sillars, Margaret

Ewing and Gordon Wilson) were besieged by angry nationalists accusing them of naivete, stupidity and even treachery. Gordon Wilson spoke to the principle office-bearers in the party by telephone, and found overwhelming opposition to continued participation. The only executive member to be wholeheartedly in favour of participation (or at least the only one to say so openly) was the Glasgow sociologist Isobel Lindsay, who was also on the CSA steering committee. On January 27th, Jim Sillars had told the media to expect a response to the cross-party talks "within a week", but something like mild panic gripped the leadership over that weekend. By Sunday night the die was cast. Jim Sillars issued a press release declaring that the SNP would not take part in "Labour's Convention", which was simply rehashing Labourite devolution. "It was rigged" said the SNP MP for Govan.

The SNP's boycott of the Convention was to cost the Party dear. They insist that they did not "withdraw" from the Convention; they just decided not to join it. But the point was, it looked as if they had withdrawn, and that cast the SNP in the invidious role of wreckers of the emerging Scottish consensus. They were kicked unceremoniously about the opinion columns of the Scottish press. The *Scotsman* said that the SNP had been "reckless, irresponsible and short-sighted". The *Glasgow Herald* remarked gloomily that it had been "an old story. Our chronic inability to unite is a national curse". In March the opinion polls delivered their verdict – a five point drop according to System Three – and the SNP started a slippage which has not yet ended. At the time of writing (September 1989) the SNP have slumped to 22% according to System Three – down 10% on January 1989.

For a while it appeared as if the SNP might even split. A group of activists including Isobel Lindsay and individual councillors like Dr Flora Isles of Tayside, started a campaign to get the SNP back into the Convention. They argued that the negotiating committee did not have the right to make such a decision without putting the issue to a meeting of the SNP's National Council, which is a kind of 'parliament' of the party. The SNP Council met to decide whether or not to endorse the leadership's line in Port Glasgow on the 4th of March. It was immediately clear that the mood of the gathering was strongly anti-Convention. Isobel Lindsay was heckled and jeered as she tried to argue that the Scottish people would not understand the SNP's rejection of the cross-party campaign. Alex Salmond, the deputy leader of the party, who had once been thought to be a supporter of the Convention, rounded on Ms Lindsay calling her "more reactionary than Charles Gray". Comparing an SNP executive member to the Labour leader of Strathclyde Region is the most outrageous abuse in the SNP lexicon, and Mr Salmond was taken to task by other speakers. Jim Sillars said that winning Independence for Scotland in Europe would require "rock-hard principle, not the marshmallow politics of Labour's Convention." The motion rejecting the Convention was overwhelmingly adopted.

It was clear to observers at the 4th March Council that the SNP's problem with the Convention had little to do with multi-option referendums or how many seats they would have. The SNP were opposed to the Convention because, as Gordon Wilson said, it would inevitably lead to Labour devolution "which had failed in the 1970's and would fail again". The party fundamentalists remembered only too well how in 1979 they were taken first by the hand by Labour only later to be taken by the throat. The SNP had divided over the 1979 Devolution Referendum. They had been attacked for ushering in the Thatcher decade by voting down the last Labour Government after the Referendum debacle. Everyone in Port Glasgow that Saturday remembered the divisions in the party over the emergence of the '79 group, and the expulsions and bitterness that followed in the early 1980s. The vote on March 4th was not so much a vote against a Convention, as a vote against Labour and a declaration of party unity.

With hindsight, it was probably a mistake for the SNP to have got involved with the Convention at all. But their brief involvement, forced Labour into concessions which it might not otherwise have been prepared to yield. Labour had agreed to 'progress by consensus', to sovereignty, and to some form of referendum, or electoral test of the Convention outcome. Moreover, Labour were able to argue, convincingly, that they had done their bit for cross-party unity; it was the SNP who were the sectarians, and were in an "informal alliance" with the Tories against the wishes of the Scottish people.

The Conservatives, were enjoying all this hugely. The Chief Executive of the Scottish Conservatives, John MacKay pronounced the Convention a failure. It was now just the usual line up of Labour MPs, Labour councillors, Labour trades unions, and Labour academics, with few Democrat fellow-travellers. It was, said Mr MacKay, just "the Labour Party Conference at prayer".

And when the Convention did finally meet, in the Assembly Halls on Edinburgh's Mound on Thursday March 30th, it did look, from the press gallery, rather like an assembly of refugees from the 1970's, a roll call of Scottish radicalism. All the more surprising then that it should have been such a success.

### The First Meeting of the Convention

The Convention was extremely well stage-managed. The documents, the agenda and the procedure were professional thanks to the COSLA Secretariat, under Bruce Black. It was a mature gathering; the heads certainly in the public galleries, were mostly silver, a bit like the dark-brown paintings on the walls of Kirk Assemblies of the last Century.

Canon Kenyon Wright, the moral leader of the Convention gave a

clever speech milking the similarity between the 1989 gathering and the Claim of Right made by the General Assembly of the Church of Scotland in 1842 in the same Hall. Canon Wright insisted that, even without the SNP, the Convention represented more than 80% of Scotland's MPs, and with all the other bodies present, from Islands Councils (quite a coup given the Islands' hostility to devolution in the '70s) to small businessmen, the Convention was "much more representative of Scotland than the Westminster Parliament is of the UK".

"But what of implementation" continued Canon Wright, "what if that other single voice we all know so well responds by saying 'We say no and we are the State'. Well, we say yes and we are the people". It was a marvellously crafted sound-bite, and apparently found its way onto prime-time television news in the United States.

But what did the March Convention actually achieve? Well, it would have been a lot to expect from one gathering of the home rule class that they would actually devise, there and then, a blueprint for a Scottish Assembly that would work, without getting tied up in 'West Lothian Questions', and metaphysical speculation about the powers of the putative Scottish Parliament. No, the importance of the March Convention was symbolic. To get all the Labour MPs, and Council leaders to line up before the moderators chair, like schoolchildren at assembly, and to sign a Declaration of the Sovereignty of the Scottish people was marvellous political theatre. This is the text that now bears their signatures:

"We, gathered as the Scottish Constitutional Convention, do hereby acknowledge the sovereign right of the Scottish people to determine the form of Government best suited to their needs, and do hereby declare and pledge that in all our actions and deliberations, their interests shall be paramount."

And Donald Dewar was in no doubt about the seriousness of his pledge. It was a "high risk" strategy, the Scottish Labour leader said in his address to the Convention, "The aim must be to give Scots proper *independence* whilst still retaining our links and making a major contribution to the United Kingdom". It was the first outing for the 'Big I'.

### The First Six Months

At the time of writing, the Convention is almost half-way through its year long deliberations. How far along the road is it now towards the "new body for a new age" as Canon Kenyon Wright put it during the second, decidedly low key meeting of the Convention in Inverness in July 1989? The Convention has been working through a series of committees trying to resolve, in a very short time, issues which were the subject of full-scale Royal Commissions in the 1960s and 70s. There are serious problems, and it

is not yet clear how these can be resolved.

The most pressing issue is the 'method of election'. The Scottish Democrats, employing a little brinkmanship no doubt, have said that they will withdraw from the Convention if Labour do not concede Proportional Representation (PR). Support for PR within the Labour Party has been growing fast. But it's not clear that will become party policy in time for the Convention. Labour is currently engaged in a consultation exercise with party affiliates on the issue. This in itself is an achievement for the Convention. The Scottish Secretary of the Labour Party, Murray Elder, has said that the consultation on PR was "an inevitable consequence of Labour's participation in the Convention". Initially, many of the supporters of PR, around a third of the Scottish Labour MPs, plus groups like SLA, thought that the consultation would be a formality, and that electoral reform would be endorsed by acclamation in time for the Convention meeting on 9th December 1989. But indications now are that there is still widespread opposition to a reform which would effectively end Labour's dominance of Scottish politics. The arithmetic is formidable. In the 1987 General Election Labour won seventy percent of the Scottish seats with only forty-two percent of the popular vote. Under PR Labour hegemony would be ended. Many trade unionists and activists are opposed to Labour throwing away the prospect of ever again having an absolute majority in Scotland.

As for 'legitimation', again, at the time of writing, there are problems. The favoured method of testing Scottish opinion has been to turn the 1990 Scottish Regional Council elections into a kind of Referendum on Home Rule. Initially, Eric Milligan, the President of COSLA, was open-minded about the idea. But now he is warning of possible legal difficulties, and about the costs. The Electoral Reform Society estimated the cost of a full-scale Home Rule Referendum in Scotland to be something between 750k pounds and 1.5M. Most in the Convention think this could be vastly reduced if it 'rode on the back' of the 1990 Regional vote. But others in the local authority world are questioning the principle of using local elections for a referendum which might totally eclipse their true purpose, which is to return legitimate local government. The turnout might also be too low to claim that the result was a genuine test of Scottish opinion.

A further danger for the Convention is the black pit of Constitutional Theory. There has been much agonising about 'powers': what areas of law-making should the Scottish Parliament have to itself, and what should it leave to the UK legislature in England? 'Powers' is 1989 language for what used to be called the 'West Lothian Question', after the constituency of the anti-devolutionist Labour MP Tam Dalyell. The constituency may have ceased to exist, but unfortunately the Question has not. What Tam of the Binns asked was this: what are the English going to say about Scottish MPs being allowed to vote on English matters, when they are not allowed to vote

on Scottish ones? A related question is: why should England put up with the Scots having more MPs than their population deserves under strict proportionality? The Kilbrandon Commission in the 70s said that Scotland might have to relinquish up to 14 seats. That would not please Mr Kinnock, who might thus be deprived of a Labour majority in the UK Parliament.

Leaving Mr Kinnock's problem aside for the time being, the issue of powers is apparently causing great anguish in Convention circles. Proposing an English parliament, to handle English domestic legislation, just opens a can of federalist worms. Would Scotland have to wait until England and Wales decide they want their own Assemblies before the Scots have a parliament in Edinburgh? Scotland could never 'federate' on its own.

Then there is the question of funding. Labour's conversion to the Convention coincided with a hardening of their position on the economic autonomy of the future Scottish Parliament. Labour no longer argue for the 'block grant' from Westminster that was envisaged in the Scotland Act in 1978. The talk now is raising taxes in Scotland, and possibly even giving a kind of 'reverse block grant', a 'precept', back to Westminster for the cost of centrally provided services like Defence. But, it is a complex problem requiring expertise in taxation, law, accountancy, local authority finance and fiscal theory. Donald Dewar encapsulates the problem as "how to unblock the block grant".

And beyond the questions of 'powers' and 'funding' there is a list of further problems including relations with Europe, the role of Women and the position of the Islands, and 'remote' areas on the Convention Agenda. But perhaps the two biggest problems are not directly addressed by the Convention working parties at all: apathy and Mrs Thatcher.

There is little indication that the Scottish people are becoming enthusiastic about the Convention. My own soundings in the Glasgow Govan and Central constituencies, during by-elections in which the Convention was a major issue, suggest that few people knew what it was. It is still not an issue on the doorsteps. At the time of writing the Convention is about to issue leaflets to every household in Scotland putting the Convention case, and asking for a response.

The other question is the one that has been hanging over the Convention from the start. The SNP pointed to it, and Canon Kenyon Wright alluded to it: what happens when Mrs Thatcher says 'No'. At the 1988 Scottish Conservative Conference Mrs Thatcher said that as long as she was leader she would reject legislative devolution unequivocally. She means it. Mrs Thatcher will not countenance the creation of a socialist republic of Scotland, whatever the Convention says or does. At the 1989 Tory Conference Malcolm Rifkind appeared to be moving towards

conciliation. He called for a "dialogue" on the future of the Union. He called for "listening, sensitive, Conservatism", shades of "The Way Forward". But Mrs Thatcher's response, figuratively speaking, was to appoint the right-wing Scottish Office Minister Michael Forsyth as Chairman of the Scottish Party, a counterweight to any devolutionary backsliding.

### Conclusion

The Convention has no real answer to the Thatcher veto, except to point out that she will not be around for ever and to speculate about electoral pacts possibly removing Mr Forsyth and the other remaining Tory MPs in a kind of Domesday II at the next General Election.

And yet, for all that, the Convention can congratulate itself for having had a radical impact on Scottish politics in a remarkably short time. The theme of this piece has been the transformation of Labour's attitude to the National Question. This is almost entirely the consequence of the Convention experience, which has helped Labour shake off the discredited doctrines of devolution. In March 1989, Labour found themselves commemorating the tenth anniversary of the Devolution Referendum without being able to mention the word 'devolution'. Labour's Assembly now is much more like an autonomous national parliament, and the party is now talking the language of "entrenched powers", "Constitutional guarantees". The closely argued paragraphs of the *Claim of Right*, helped Labour discover its new Scottish policy, for good or ill.

The Convention has also become a part of the 'Charter 88' project for Constitutional Reform, and the calls for a Bill of Rights, PR and a written Constitution for the UK. The Democrat leader Paddy Ashdown says that "the Convention is now the proving ground for the new politics". Given the recent dismal performance of the 'centre ground' that might sound more like a warning than a commendation. But in a period in which Scottish Politics has polarised between the take-it-or-leave-it unionism of Mrs Thatcher and Mr Forsyth, and the Euro-nationalism of the SNP, the Convention has held the centre together, and made it intellectually credible. History is not written in advance, and the Convention might, yet fail. But it is not a bad record for six months work.

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