

THE FAILURE OF THE SCOTLAND AND
WALES BILL
No Will, No Way

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The obituaries of super-space-man Wernher von Braun earlier this year recalled his reaction when someone asked what it would take to put a rocket on the moon. "The will to do it," he said. It is a recipe that might equally apply to the installation of a Scottish Assembly in the old Royal High School buildings in Edinburgh. Astonishing that in the event, mankind's ultimate goal out in space should be more accessible than a spoonful of self government in Scotland.

Only a year ago it seemed from almost any vantage point in Scotland that devolution was home and dry. Admittedly there were widespread reservations about the form of Assembly in the government's White Paper, and the bill which followed did not do much to win over this initial opposition. But, there was an equally widespread assumption that the principle was at least settled and the task ahead was how the long-awaited emancipation could be made to work.

A year ago, all the political parties in Scotland were committed to devolution. In effect Scotland had completed the great debate and made up its corporate mind that the time had come for action rather than words.

Then came the extraordinary series of Parliamentary manoeuvrings which threw the whole boiling back into the melting pot, and could conceivably have wrecked prospects for any reasonable form of devolution. There was a sudden affectation by English (and some Welsh) MPs of the three major Westminster parties that all this business about devolution, and delegating authority from the centre, was being thrust upon them unawares. Such fundamental constitutional changes required deep and solemn study. Overnight, it seemed, Westminster

was peopled by champions of the Act of Union of 1707. The word went out on all sides — better not to have this strange un-Westminster-like device at all, than to get it wrong. It was something which should not be rushed.

With such roundly enunciated evasions the sap was steadily drained away from the Scotland and Wales Bill as day after dreary day in the Commons the nit-pickers set about their destructive labours like so many deathwatch beetles.

It is wonderfully warming to the conscience and the ego to defend what has come to be called “the integrity of the United Kingdom.” Even more rewarding when this can be achieved by doing nothing — that is blocking the Bill rather than trying to find ways of making it work. At the end of the day, the original bill was shelved when the Commons exercised its democratic privilege to oppose a guillotine.

In essence the bill was stymied by a lack of will in Westminster. This seemed to derive more from the conventions and cloistered moods of the mother of Parliaments than from any rational appraisal of the bill or sensitivity for the feelings of the people of Scotland. The system that the Bill was designed to reform struck back in self-defence and disarmed the threatening mechanism.

In Scotland this embarrassed the Labour Party and left them vulnerable to the charge that they could not deliver election commitments. It delighted the Tories who were never as a body devolutionists at heart. The Liberals, genuine Home Rulers, were originally annoyed by their parliamentary group’s decision to vote against the guillotine,¹ but came to enjoy the place in the political sun that accompanied the Lib-Lab pact that was to follow. The Nationalists merely shrugged as they had been doing for two years and said, “We told you so.”

These attitudes were to harden as the year went by and the parties had time to sort out their thoughts in public during the conference season. Labour stuck doggedly to the claim that the delay was only a temporary hiccup. The party in Scotland and the government in Westminster were committed to establishing a Scottish Assembly and this pledge would be fulfilled. This theme of reaffirmation was a result largely of the pressure being exerted by the Scottish National Party on seats in the West of Scotland. In several parts of Lanarkshire, for instance, SNP branches were being formed and flourishing where before Labour had reigned unchallenged and supreme. Disenchanted steel

workers were coming round to the view that one Westminster government was about as bad as another and that the SNP seemed to offer the only effective focus for Scottish problems. In the face of a quite startling move in this direction in some areas, the undeveloped Scottish Council of the Labour Party took steps to strengthen the resolve of Mr Michael Foot as minister responsible for devolution. A delegation in June told him that failure to honour the party’s manifesto commitment would be seen in Scotland as final proof of the inability of Westminster to cater for Scottish needs. It went on to recommend separate bills for Scotland and Wales, revenue raising powers for the Scottish Assembly and curtailment of the “override” powers reserved to Westminster.

By predictable contrast, the Scottish Tories took their lead from the lack of zest for devolution exhibited in parliament. They had always been, in the words of the old song, walking backwards to devolution and the lack of progress culminating in the guillotine impasse afforded an impeccable opportunity to rush headlong away from it. This hasty advance to the rear was of course artistically camouflaged in high-minded, patriotic rhetoric. Mr Francis Pym, the chief Opposition spokesman, condemned the languishing bill as devoid of any sound principle. He deplored the possibility of separation — an independent Scotland with its own cabinet, its own armed forces, its own foreign policy and its own border posts. In this context he suggested nationalism had proved in practice to be the greatest enemy of devolution. The extreme demands of the SNP had aroused fears that any change at all would amount to the first step on the road to independence. Then, without even a blush of acknowledgment Mr Pym suggested that the whole issue of devolution should be referred back to an all party convention or a select committee of the House of Commons— a proposal made at least two years earlier by Mr Russell Johnston, leader of the Scottish Liberals. Mr Pym’s sentiments and his solution was endorsed two days later by the party leader, Mrs Margaret Thatcher, and is now standard Tory doctrine.

The SNP took the same view as was reflected in the advice of the Scottish Council of the Labour Party to Mr Foot. In their case, however, they saw no reason to give the government a second chance. They said simply that the collapse of the original bill was proof beyond doubt that a Westminster parliament would not meet the wishes of the Scottish people. With

that point of principle clearly demonstrated there was little to be gained from further dickering with variable formulas for devolution, so the party would concentrate its energies henceforth on the prime goal of independence. In pursuance of this policy the SNP parliamentary group refused to take part in talks with the government on proposals for a new devolution bill. This has been one of the sources of friction between the group and the party leadership in Scotland. Some of the home-based nationalists consider that there is nothing to be lost by having talks, and conceivably some kind of gain could be made, if only further insight into government thinking. But, the parliamentarians, who after all have talked with the government before, believe any sharing of views would only be a waste of time. So now, the SNP which was once prepared to back a reasonable devolution bill as "a step in the right direction" is indifferent to the idea of an Assembly in Edinburgh. The MPs would probably support such a measure in the Commons, but the introduction of a devolution bill would not deter them from helping to bring down the government if an issue of confidence arose.

The Liberals, who were instrumental in the defeat of a guillotine motion in February, arrived as a result in a position of some influence, if not exactly power, in the matter. They were able to insist on a stronger devolution bill, as well as proportional representation in the direct elections to Europe and a workable phase III of the pay policy, as the price of parliamentary support under a Lib-Lab pact. The measures were for the most part similar to the recommendations of the Scottish Council of the Labour Party. They called for separate bills for Scotland and Wales, powers for the Scottish Assembly to raise revenues, and reduction of the powers of veto and interference by the Secretary of State and the House of Commons in Assembly affairs. This coincidence of view from Scotland should have some impact on the government's thinking and its handling of the new bill in Parliament.

This leaves the imponderable of whether parliament in the 1977-78 session will have enough will to carry a tougher devolution bill than it balked at last time. There is, on the one hand, the popular revolving door theory that the more decentralisation is incorporated to woo the Liberals and placate Scottish Labour, the more dissident left wingers in the south

will defect to join forces with the Tories in opposition to the bill.

On the other hand, although Mr James Callaghan is unlikely to make devolution an issue of confidence for his government in the House he has already clearly told his parliamentary party that the consequence of losing the new bill would inevitably be an early general election.

However this cookie crumbles, the result is bound to be marginal. There are for example very few Tories left who would be prepared to stand up for the count in favour of a new government bill. Mr Alick Buchanan-Smith, who resigned as Shadow Scottish Secretary, is by nature steadfast and true and is intellectually convinced of the need for an Assembly. He was bitterly disappointed by the right-about turn his party executed at Mr Pym's command, and now sees himself as the main guardian of the devolution idea in Tory ranks. He is motivated to some extent also by concern about the alternative if devolution dies by default. Then, he would anticipate an even stronger surge of nationalism in support of the SNP, a virtually irresistible demand for independence and the risk of disruption and strife. There is Mr Hector Monro, by nature a sportsman and gentleman who, having pledged his word, believes in keeping it. His constituency in Dumfries offers a neat comparison of UK priorities in the way that the M6 motorway merges into the dangerous A74 north of the border. He would have great difficulty with his conscience in voting against the principle of a directly elected, legislative assembly in Scotland.

Mr George Younger, another man of integrity and a thoughtful politician, who also resisted the Tory whip on the second reading of the original bill might well react again if it seemed that his party was about to bury devolution for another generation. The other second reading rebel, Mr Malcolm Rifkind, who resigned as a front bench spokesman on Scottish affairs, has re-opened his options since the party conference pronouncements of Mrs Thatcher and Mr Pym. Almost immediately he re-adjusted his stance to claim that Scotland and Wales cannot have devolution unless similar arrangements are made for England. It would be disastrous, he suggested, to have piecemeal constitutional reform which turned Westminster into an imperial parliament for Scotland and Wales, while retaining it as the sole parliament for England. His alternative was a devolved

assembly for England comparable with the improved version proposed for Scotland. On that basis, which he has submitted as a personal proposal to his own party leadership and Mr Foot, Mr Rifkind would be free to oppose outright any new government bill that did not deal with English devolution. With no other committed Tories on the horizon the government might therefore be able to call on the support of three Opposition members for its new measures or, perhaps more realistically, to assume that they would not vote against the principle.

By any calculation, the will of the House seems likely to remain weak on this issue. But possibly even more significant now is the lingering conundrum of how strong-willed the Scots themselves are about the long promised Assembly. It seemed to the detached observer that just about the time the English parliamentarians were deciding there was an urgent need to discuss this novel and revolutionary idea the Scots had talked themselves out on the subject. The pros and cons of powers over industry and the economy, Willie Ross or any successor at St. Andrew's House as a Governor General, or what to do about the universities — all this had become more of a yawn than a new frontier. The national inclination to yawn coincided with growing problems of inflation and unemployment. The age-old fears of an economic catastrophe and loss of jobs began to take precedence in many homes over the political niceties of constitutional reform. It also seemed that more and more people were concerned about the cost of establishing yet another tier of government when the recent reform of local authorities seemed to have led only to higher rates and a more expensive bureaucracy. There was certainly no sense of public outrage when the devolution bill was slipped into cold storage after the defeat of the guillotine.

There was an inclination in some of the news centres south of the border to look for violence on the streets when the bill ground to a standstill. Might not the Tartan Army take action? There were bound to be demonstrations were there not? Nothing as it transpired could have been further from the placid facts. A rare enthusiast muttered in a pub "Good riddance" or "Well, it's not good enough you know, they'll have to do something." It was left to the party activists to pick up the pieces and to juggle with them as it might best suit their own direct interests. Even the party that was formed largely out of despair at the inadequate terms of the original White Paper of November

1975 — Mr Jim Sillars' breakaway Scottish Labour Party — sank steadily in the public opinion ratings.

With no very immediate sign of an uplift in the economy that might release more energy for political causes it is conceivable that the cause of devolution could continue to decline. No will in parliament stopped progress last time, no will at home base could bring about a final downfall for the concept of a legislative assembly in Scotland.

REFERENCES

1. A guillotine motion is a timetable motion which enables a government to cut short the debate on each clause of a bill at a prearranged time. The government failed to carry the guillotine on 22nd February. By then the House of Commons had finished debate on only four of the 115 Clauses in the Bill. They had used up four days in Second Reading Debate and ten days in Committee stage. The government had originally offered thirty days of its time for the debate and was offering, as an inducement to the House, to give it a guillotine, a further twenty days. The Leader of the House, Mr Foot, told the Commons that this was the largest allocation for any Bill since the Government of India Oct forty years before.