



Project report

***From Westminster to Holyrood.  
The New Scottish Parliament.***

*In 1999 a Scottish Parliament will sit in Edinburgh for the first time in almost 300 years. It is not the reincarnation of the nation state, which in 1707 entered a partnership, which became the UK. This is unashamedly a settlement within the United Kingdom. Unashamed, because the majority of Scots are determined to maintain the bonds of friendship, trust and common interest built through time. It has been and always will be the views of the people of Scotland, which alone will decide their future.*

*It is however a radical change - providing a democratic opportunity and a stronger voice for Scotland in the UK. By establishing that our constitution can adapt to meet the needs of the time it strengthens the Union and enriches the country as a whole. It will be a Parliament fashioned in Scotland for Scotland and with the ability to build a better Scotland."*

Donald Dewar, 12<sup>th</sup> January 1998 before the House of Commons

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## I INTRODUCTION

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In the winter term 1997/98 I attended a seminar held by Frau Rosenberg PhD with the title "The crisis of British identity". It was then when I started to investigate the variations of identities that exist in the United Kingdom. From the very beginning I felt attracted to the strong Scottish identity and became very interested in the process of devolution. The course work for this seminar forms the basis of this project report.

Then in September 1998 I had the opportunity to go to Scotland as a Foreign Language Assistant. I had decided to continue my research and to up-date my paper earlier on but when I actually compared my findings and experiences with what I had written half a year ago I realised that because of the progress that had been made in the meantime many sections had to be fundamentally revised or completely rewritten. The paper that you are holding in your hands is thus the result of the work of almost two years. I hope it can help to understand the political history of Scotland and the process of legislative devolution and explain why the Scottish parliament is of such an importance to the Scottish nation.

The paper contains three major sections. The first part is a chronological account of historical events and developments which preceded the current devolution process. It outlines the origins of the Scottish parliament, describes what led to its abolition through the Union of Parliaments in 1707, and illustrates the era of direct rule from Westminster until 1997. So far this paper is based on intense literature and internet research. Sections 2.6 and 2.7 describe the events since the referendum on devolution in September 1997. They focus on the preparations for the election to the first Scottish parliament in almost three centuries, the election itself (which I could and did participate in) and the first months of the new assembly. These sections are broadly based on information I gathered myself during my stay in Scotland.

The second part of this report explains what devolution actually means. It discusses Scotland's redefined constitutional position in the UK, describes the new relation between Westminster and Holyrood, outlines the powers and finances of the new parliament, and introduces the new voting system under which the new Members of the Scottish Parliament (MSPs) are elected. Most of the information in this part comes from a government white paper 'Scotland's Parliament', which was presented to the London parliament in July 1997 and reached the Statute Books as 'Scotland Bill' in December 1999. I deliberately stuck to the wording of the white paper rather than the admittedly more precise bill as the former is free of complicated legal terminology and thus easier to follow.

In the third part I try to investigate the 'new image' of Scotland. This section draws its information from many talks and discussions I had with people from Scotland and the rest of the UK but also from media publications. Scotland's new self-image will be described briefly, as will be the likelihood of independence and Scotland changing role in the UK and Europe.

A final and maybe subjective summary of the future prospects of the Scottish nation will complete this paper.

This project report deals with the events and developments that are linked to Scottish devolution only. It will not draw parallels to similar devolution processes in Wales or Northern Ireland. In favour of a more detailed look at Scotland a broader perspective was abandoned.

## II THE LONG ROAD TO A SCOTTISH PARLIAMENT

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### 2.1. The Origins of the Scottish Parliament (1235-1705)

Scotland used to be an independent state with an independent parliament whose beginnings can be traced back to the 12<sup>th</sup> century. The term 'Parliament' can first be found on a document from 1235, which falls in line with the emergence of parliaments in many parts of Western Europe. After a short period when it was made up of lords only, it consisted of members of three major groups: lay magnates, senior clergy and burgh commissioners ("tres communitates") The selection of parliament members could be influenced by the sovereign. Until 1560 (s)he used to be present at all meetings of the parliament and Royal Assent was required for all decisions taken. Mary Queen of Scots changed this and gave the parliament a certain degree of autonomy. Yet after her abdication and the coronation of her son James VI parliament had to face troubled times again. At first he was too young to reign so so-called regents ruled on his behalf. They consulted the parliament very infrequently and rivaling parliaments met. Once James took over he stopped calling full parliaments completely and only gathered his supporters.

James continued this absolutist style of monarchy even after he became the first king of England and Scotland. Elisabeth I, Queen of England, had died unmarried and childless and there was no Tudor to succeed her. Thus a Stuart, James VI, ascended the English throne and became James I of England and Scotland. He called himself "Emperor of the whole island of Britain", moved his court to London and remarked: "Here I sit and govern it with my pen - I write and it is done, and by a Clerk of the Council I govern Scotland now - which others could not do by the sword."

This Union of Crowns was merely a political event that did not unify the two countries. Although there was one monarch, there were still two executives, two systems of law, two churches and above all, two nations. The two parliaments existed side by side as well, but not without tensions. While the English one gained influence and public and royal recognition the Scottish one was hardly called by the England-based king. After a visit of Charles I in Edinburgh in 1633 some Scotsmen drew up a National Covenant, claiming that Parliament possessed the ultimate legislative authority. This attempt was a first step towards the creation of a constitutional monarchy in Great Britain.

After the execution of Charles I England and Scotland disagreed over the issue of succession and Cromwell forbid the Scottish parliament to meet. Instead Scotland should send

representatives to Westminster. Only after the restoration of the monarchy in 1660 the parliament was allowed to meet again. A constitutional monarchy was finally achieved in 1689 when the Bill of Rights made the king responsible to the English parliament.

From then on it became more and more difficult to see how one king could preside over two parliaments with often rather different policies. On the other hand there were tendencies of the two parliaments working together at times of trouble, especially during the Glorious Revolution. Finally Scotland's economic dependency on England made a closer union desirable. After a period of economic conflict when Scotland had to cope with poor harvests and English domination in the New World markets Scotland agreed to negotiate about a single British parliament. There was a strong hope that gaining access to English trade links would help to improve Scotland's weak economy.

## **2.2. Abolition and Direct Rule (1706-1945)**

Negotiations started in the first years of the 18<sup>th</sup> century. The final treaty was discussed by the Scottish parliament in October 1706 and passed in 1707. It was then passed on to the English parliament and was ratified in March 1707. This agreement became known as the "Union of Parliaments", creating a new state called Great Britain and a single parliament meeting London. The lower house consisted of 558 members but only a small proportion (45 seats or 8 per cent) of MPs were Scots. A similar situation occurred in the House of Lords with only 16 of 206 Peers being Scotsmen. One has to keep in mind however that Scotland was sparsely populated and therefore was not eligible to more seats in either House of Parliament. Although the treaty was a political agreement on how Great Britain should be governed (i.e. in which areas Scotland would have to adopt English mechanisms and in which it would not) it mainly dealt with economic issues.

"There's ane end to ane auld sang" said the Earl of Seafield, Chancellor of Scotland, when he adjourned the Scottish Parliament in 1707 - centuries of political self-determination for Scotland were over. The Earl and other nobles had accepted the Union of Parliaments, which put an end to the question of where the ruling seat of the confederation of England and Scotland should be. But it did not at all silence the critics. In fact, even before the ink on the contract paper was dry the wish for the reinstatement of a Scottish Parliament had been born. Scottish people felt that they had been "bought and sold for English gold" and started campaigns to bring a parliament back to Scotland.

The first post-union government appointed a Secretary of State for Scotland to underline the fact that Great Britain was more than just a bigger England. However this position did not last very long. After 1745 the Secretary's powers were again transferred to the Home Secretary who was supported by the Lord Advocate. This situation remained unchanged for more than a century but was very unpopular with the Scottish population. The ordinary people were annoyed by the lack of recognition that their problems now seemed to attract at Westminster. Hence they became active, founded political organisations and then decided to stand for parliament themselves. The “Crofter’s MPs” became the first “independent working class MPs” in Britain.

The formal beginning of administrative devolution came in 1885 when once again a Secretary of State for Scotland was appointed to the British Cabinet and the Scottish Office was resurrected. One year later the Scottish Home Rule Association was founded, followed by the Scottish Labour Party in 1888. Together they fought for more self-determination for Scotland. But the arrival of World War I and the minority Labour government of 1918 wrecked the hopes for a quick and fundamental change. The government introduced a Home Rule Bill in 1924 but it was talked out of Parliament. Three years later Labour, on behalf of the first Constitutional Convention, approached the issue again. This time it was postponed because of a debate on "bugs, fleas and vermin" and later talked out of parliament once more. Mainly because of the lack of results that the existing parties achieved the Scottish National Party (SNP) was founded in 1928. Now there were several forces fighting for a Scottish home rule but this time World War II interfered with any existing plans to establish a Scottish resentment against England's parliamentary dominance. Nevertheless, another step forward was made in 1939 when St Andrew's House in Edinburgh became the headquarters of the Scottish Office.

*Figure 1: St. Andrews House*



### **2.3. Post-War Development (1945-1997)**

In 1945 the government of the day devolved further powers to the Scottish Office. Of course Scotland maintained its three distinctive institutions. Apart from the Presbyterian Church of Scotland and the legal and educational systems Scotland was now responsible for

the health sector, roads, transport, planning, housing, agriculture and public order. The Labour government saw no need to devolve any more powers and thought that the Scots would be satisfied. In reality the Scottish Office stimulated rather than satisfied the appetite for self-government. When in 1949 the new Scottish National Association published a petition that called for a Scottish parliament 50,000 people signed it in the first week alone. By 1952 this figure had already risen to even 2 million. But despite these efforts there was no real pressure. It was not until the 70s that devolution came on to the political agenda again. This decade saw a legislative process that in the end led to the Scottish Reform Act in 1978 and to the first referendum. The government of the day had set up plans for a Scottish assembly and wanted to include the Scottish people in the decision-making.

Opinion polls suggested that some 70 per cent wanted to vote 'YES' in the forthcoming referendum but obviously this was not what happened. Many voters were confused and discouraged by the divisions amongst the campaigners. There were at least two independent 'YES' campaigns - one led by the Labour Party (or better parts of it) and another one conducted by the 'YFS' (Yes For Scotland), which was a cross-party co-operation. Interestingly, the support of the original enthusiast, the SNP, varied from region to region. And when the Tories sowed the seeds of fear and uncertainty many voters decided not to cast their votes at all. The 1979 referendum did not fail because those who did vote were against devolution. Admittedly, the majority that supported further devolution was small. Only 51.6 per cent of those who cast their vote backed the plans. The real problem was the so-called Cunningham rule. MP George Cunningham had got through with an amendment demanding that 40 per cent of the Scottish electorate voted YES. This did not happen; the mentioned 51.6 per cent came from barely one third of those eligible to take part. Yet it was not simply laziness or disinterest that kept the other half of the Scottish people away from the ballot box. Many thought that the proposals of the Labour Party just did not go far enough.

Exactly one year later representatives from all parties came together to discuss future steps. They called for another National Convention which was to "work out what the Scots really want" concerning a Scottish Parliament. All agreed that unity would be the only way to achieve the formerly missed goals: a) a uniform scheme for a Scottish assembly and b) the mobilisation of the Scottish population to support it until the end. Also, it was important to establish a closer relationship with the British government to ensure that all efforts were not in vain and a second chance to vote would be offered. On 30<sup>th</sup> March 1989 the Scottish Constitutional Convention was founded. A report entitled "Scotland's Parliament Scotland's

Right” was published six years later, which led to a second referendum in 1997, the year of the General Election that changed so much of Britain’s political landscape.

#### **2.4. A Decisive Four Months**

What stunned the whole country after 1<sup>st</sup> May 1997 was only a national confirmation of a development that had been taking place in Scotland for years: the downfall of the Conservative Party. Even devolution critics had to recognise the fact that in previous years a party governed Scotland whose votes mainly came from England. In the 1992 election the Tories only scored 25.7 per cent of the Scottish votes, i.e. 11 out of 72 seats. The number of Scottish Tory MPs shrank from by-election to by-election until finally, after the general election in 1997 no such MP was left. The author(s) of the official General Election '97 website described the situation the Conservative Party had to face after their painful defeat:

The Conservatives could hardly have expected to do well in Scotland, but the scale of the electoral meltdown that overtook them was quite unprecedented, as they succumbed to a three-pronged attack - Labour, the SNP and the Lib Dems combined to wipe out all their remaining seats north of the border. Coupled with the liquidation of Tory outposts in Wales, this leaves the Conservatives looking like an English national party - and one biased towards southeastern rural/suburban seats at that. Three Cabinet Ministers were unseated - one by the SNP and two by Labour.

The Scottish voters took their chance not only to publicly withdraw their support for the Conservative government but also to show which parties and which policies were of Scottish interest.

The ‘big winner’ of course was the Labour Party, having received heavy support from the Scottish electorate. That did not mean however that Scotland suddenly was much happier with the concept of a central government hundreds of miles away just because Labour was occupying the government benches at Westminster Palace. Instead Scots had chosen to vote tactically to make sure that soon there would be a pro-devolution government in power. Labour’s incredible triumph in Scotland was surely bolstered by making devolution one of the major issues in the election campaign but more importantly by being the only real alternative to the Conservatives. Due to the British voting system votes for Labour were often more effective than votes for the Scottish Nationalists, which would have been first choice for many Scots under a different (i.e. proportional) system. Yet Scottish voters were prepared to make concessions to ensure that devolution would finally happen.

Aware of the high expectations the “Referendums (Scotland and Wales) Bill” was already presented to the House of Commons on 15<sup>th</sup> May and was passed on to the House of

Lords on 17<sup>th</sup> June. Until the end of July both chambers considered the amendments made by the respective counterpart. On 31<sup>st</sup> July the Referendums Act received the Royal Assent. Now the way was clear for the referendum on 11<sup>th</sup> September 1997.

At that time campaigns for and against the government's devolution plans were already in full swing. Basically, there were two opposing camps. The Conservative Party argued against a need to devolve more powers to Edinburgh. According to Catherine Organ who used to be an elected member for 26 years Scotland had much influence in London and did not need a parliament to achieve that:

It will forever change the way in which the whole of the UK is governed, in order to redress a perceived notion that Scotland does not have its own voice. Yet today in the 22 strong Cabinet there are 7 Scottish MPs and Prime Minister Blair with Scottish connections. This is a proportionately over a third, and high in relation to the remainder of the UK. Is their voice not strong enough for those living north of the border?

The Conservatives disliked the fact that only the Scottish population would have a say in the referendum. They argued that a YES-YES vote would affect Britain as a whole and that it would change the present constitution. During their "Think Twice" campaign they did not forget to point out all the dangers that might arise if Scotland were be authorised to make laws and to raise taxes. According to the Tories the government's white paper provided no safeguards against a rebellious Scotland. In order to protect the Scottish people from a risky and dangerous decision they called for a NO-NO vote.

On the other hand, Labour, the Scottish Nationalists and, with reservations, the Liberal Democrats campaigned for a YES-YES vote. Another defeat just before the finishing line was not desirable. Yet their premises were not that uniform. It is not necessary to go into too much detail about Labour's objectives, obviously they can be found in the white paper itself. The goals of the Scottish Nationalist Party (SNP) deserve some more explanation. The party has been fighting for a both economically and politically independent Scotland since it was founded in 1928. One of the major goals on this way is more political self-determination. The SNP sees in the creation of a Scottish Parliament the first step towards an autonomous nation. For the party, the idea behind this is that once Scotland shows that it can take responsibility for its own affairs it can then separate wholly from the rest of the United Kingdom. The Nationalists therefore favoured the referendum on devolution from the very beginning. They started a campaign that was a lot more polemic than for example the Labour one. Needless to say they vigorously demanded a YES-YES vote. Joe Taylor explains why:

Scotland is an average-sized European country with approximately the same population as Denmark. Like all other countries of the European Union, Scotland has its own legal, educational

and religious systems. But no parliament. Yet, in Edinburgh is located a Civil Service which (as Sir Edward Heath likes to remind euro phobic "Brussels Bashers") is several times larger than that which runs the whole of the EU. This idiocy must stop.

It is unlikely that Mr Taylor meant that the Civil Service staff should be reduced; what he claimed was a parliament that would work in and for Scotland and not 350 miles away. A strong double YES vote, which he called for, would show that this was not only his opinion.

The Liberal Democrats took a different view on the referendum. According to them the Scottish people had made up their minds and stated their views earlier that year: on 1<sup>st</sup> May 1997. Only candidates who belonged to pro-devolution parties won all 72 seats. Not a single Scottish Tory MP was left after the election. Was this not a clear statement? Was it really necessary to ask the Scots again about their opinion? Dr Jenny Dawe specifies two concerns:

The referendum is unnecessary and the second question on tax-varying powers is particularly superfluous and leaves the way open for a potentially unviable [sic] Scottish Parliament with no fiscal teeth. That said, now that we are faced with a referendum, it is essential that apathy does not win the day.

Not only could a referendum potentially wreck the work of many years (e.g. by people voting YES-NO) it could also fail because of people feeling safe after the outcome of the last general election and not bothering to cast their votes. After the Liberals had realised however that they would not stop Labour from holding a referendum they continued their YES-YES campaign. Whose efforts were most successful was determined on referendum's day.

## **2.5. The Referendum**

Thursday, 11<sup>th</sup> September 1997 is certainly a date to remember. On that day the Scottish people decided that 290 years without a Scottish Parliament were definitely enough. After what had happened in May that year this was the second milestone in the recent history not only of Scotland but Britain as a whole.

The referendum consisted of two parts. As it did not make sense to quarrel about details if the general idea is not backed by those involved the first question to be answered was whether there should be a Scottish assembly at all. The second question dealt with the problem of whether or not the Scottish Parliament should be empowered to raise taxes. And it was this second part that caused concern among both the politicians and the Scottish electorate. From the politicians' point of view - Conservatives excluded - a parliament that has no "fiscal teeth" or that "leaves the purse strings tied to London would be pointless".<sup>15</sup> The Scottish electorate had to decide whether it wanted to be differently taxed than other UK citizens. The new assembly would be able to cut as well as to raise taxes (up to 3p of the income tax rate set up by the UK Parliament).

More than 2 million Scots came to cast their votes. The turnout may not have been as high as expected; it was 60.4 per cent. Yet out of those who did vote an overwhelming majority (74.3 per cent) voted in favour of a Scottish Parliament. Even the lowest YES figure of 57.3 per cent from the Orkney Islands indicated support for devolution. This shows very clearly that the idea of more self-determination was not only on the minds of nationalists. The people north of the English border want to take their future into their own hands. They want more accountability, which they feel will be provided if Scots decide almost exclusively over Scottish matters in Scotland's capital. The outcome of the second part of the referendum was as expected not as apparent. More than a tenth of those who ticked YES the first time decided not to do so a second time. Nevertheless, those who voted YES again produced a definite majority. However, this time we must note that there were two constituencies that voted against tax varying powers. The biggest resistance came from the Orkney Islands again and the region of Dumfries and Galloway. Still, all other 30 areas voted YES in the second part so that on average 63.5 per cent of the Scots voted in favour of the right to vary taxes.

*Table 1: Referendum results (in certain council areas)*

	<b>Turnout</b>	<b>Yes for Parliament</b>	<b>Yes for Tax powers</b>
<b>lowest figure</b>	Glasgow City 51.6%	Orkney Islands 57.3%	Orkney Islands 47.4%
<b>highest figure</b>	East Renfrewshire 68.2%	Glasgow City 83%	Glasgow City 75.0%

For the Government, the Scottish Nationalists, the Liberal Democrats, the Referendum's Party and all the other pro-devolution campaigners this outcome was an

absolute success. For the Conservatives it was another painful defeat. Soon it was decided that the election to the first Scottish Parliament in almost 300 years should be held on 6 May 1999. The 20 months that laid between referendum and election would mean a lot of work for everyone involved.

## **2.6. Ideas for a New Scotland – The Electoral Campaign**

### *2.6.1. Continuity and Change*

After the referendum the winners moved on quickly and to put all their time and energy into the necessary preparations for the up-coming election. Manifestos had to be written, rallies had to be organised and held, and candidates had to be selected. This went not without teething problems. Labour and SPN argued internally about the selection criterions and whether there should be a quota for women and candidates from ethnic minorities.

Before the Conservatives could start campaigning they had to face a more difficult task. The party recognised that the Scottish electorate had rejected their proposals in favour of more self-determination. No longer could this wish be pushed aside and ignored. Thus if the Scottish people backed devolution than a conservative approach had to be developed. Many senior party members travelled up and down Scotland to listen to what people had to say. This was often criticised to be a U-turn in conservative thinking but how could the Tories have stood for Holyrood seats otherwise? The honest and realistic approach of the Tories was remarkable. They admitted that that they used to have serious objections to the government plans, which they had addressed in their ‘Think Twice’ campaign; however now that devolution would actually happen they wanted to help to make it work and play a constructive part in it. This way of dealing with the situation was the only way for the Conservatives to regain ground and to justify their place in the Scottish parliament.

### *2.5.2. The Time of the Big Words*

The Scottish parliamentary election campaign probably was one of the most diverse Britain has ever experienced. A lot more parties than usual put forward ideas how Scotland should be run in the future. From Monday, 5<sup>th</sup> April 1999 on most Scottish households were swamped with “election communication”, i.e. papers, leaflets, letters, etc..

The Scottish Labour Party had with the Scottish Secretary Donald Dewar the most famous and a very popular politician in their ranks. Unsurprisingly, he was chosen as candidate for the post of the First Minister. Labour’s campaign focused on education,

promising 100 new school developments and at least four modern computers in every Scottish class. The party also promised improvements in the health sector, more apprenticeships and no rise in income tax in the first term of parliament. Two more strands of the party's campaign were a conviction that after all they had done to bring devolution to Scotland they deserved to govern and a threat that votes for the SNP would mean higher taxes and independence. Labour was heavily criticised for this negative approach and accused of putting unproportionally more efforts in pointing out the wrongs of other parties than their own advantages.

The SNP led a very risky campaign. With Alex Salmond as their leader and FM candidate the party developed a programme called "A Penny for Scotland". It suggested not to implement tax cuts proposed by the London Chancellor of the Exchequer Gordon Brown. He intended to cut the basic income tax rate by one penny to relieve everyone who paid this tax. The SNP argued that leaving the tax rate as it was would mean that no-one in Scotland would pay more than he or she used to pay but the nation would have £230m more to spend. The SNP had many ideas on how to spend this 'extra' money and obviously forgot that there would only be just as much to spend as there was at that moment. The 'tartan tax' idea proved to be very unpopular and Salmond's disapproving remarks about Nato's Kosovo mission destroyed the party's previously fair chances of winning the election. More popular were appearances of the most prominent campaigner and Scottish nationalist Sean Connery and claims to stop charging road tolls and to give rural communities more say in their future.

The first message the Liberal Democrats had to get across was that they were not a second Labour party. As a coalition between the two parties became very likely they were accused of working too closely together in order not to upset the other partner. Yet the Lib Dems had individual policies that sometimes varied quite a lot from Labour's. They promised to improve the Scottish economy (e.g. by encouraging home grown businesses and by joining the Euro), wanted to raise the standard for transport, grant more support for older people, and spend more money on health and education. Like all parties except Labour the Liberals promised to end university tuition fees.

The Scottish Conservative Party called their campaign "Scotland First". Once more, education was a major issue promising better rural schools and more funds. Taxation would not be altered should the Tories have a say in this, law and order would be enforced via harsh punishments and local bobbies on the beat. The Conservatives also pledged to end the beef on the bone ban and take a stand for Scottish farmers. During their campaign the Tories pointed

out the "disappointing results" of the Labour government in London and the "threat of isolation" if Scotland became independent under the SNP.

What made the electoral campaign interesting and colourful was the participation of many organisations, which in some cases were not even primarily political. Due to the new proportional voting system (which is explained in chapter 3.2.) many smaller parties and individual candidates saw a chance of becoming part of the first Scottish parliament in 300 years. The Green Party with its leader and only candidate Robin Harper hoped to jump over the six per cent hurdle that was necessary to win a seat. Harper campaigned for well-known green values - a clean environment, affordable and accessible public transport, and reduction and recycling of waste. The Scottish Socialists' top candidate was Tommy Sheridan. Their campaign covered issues like a fight for the right to work, the introduction of a minimum wage of £4.79, a £150 a week basic pension, end of the tuition fees, and generally more taxes for the rich. Apart from these two political parties there were also some organisations and 'fun

*Figure 3c: William Wallace*

*Figure 3b: Witchery Tour Party*

*Figure 3a: Yogic Flyers*

parties' fighting for votes.

The Civil Rights Movement, who work for more equality and a "new kind of politics", aimed to give "a voice to excluded people". The Natural Law Party of Scotland explained that their concept of "integrated national consciousness" was the "basis of successful government" and that "Yogic Flying", a technique whereby meditating people manage to fly about 50 centimetres above the carpet, could reduce crime dramatically. (Allegedly, 200 flyers had cut crime by 60 per cent in Merseyside!) Just in case there were any doubts whether this party was having you on they explicitly said in their manifesto that they were "serious about seeking election". More for advertising purposes than anything else was the launch of the Witchery Tour Party. A company which normally organises ghost tours drew up a four point manifesto promising their only candidate always to wear make up and a black cloak and argue the point "It doesn't matter what you look like". Convincingly Mitchell said: "Voting for the Witchery

Tour Party will ensure that there is at least one person with a white face and a black cloak amongst the 129 MSPs in suits. Now that's worth a vote." And if this was not enough, the Braveheart Party asked for votes as well. The 20<sup>th</sup> century Braveheart was a man whose name really is William Wallace and whose appearance and roaring noises were funny and frightening at the same time.

Not everyone took the election to the first Scottish parliament in 300 years dead seriously. The month of campaign reminded very much of the first free elections in the former GDR. One should not have the impression however that there was no real rivalry. Especially for the major parties it was a tough and at times controversial fight in which some of them experienced a roller-coaster ride in public support.

### *2.6.3. Public Opinion and Opinion Polls*

The Scottish people were extremely aware of what was going on. Since the referendum they developed a big interest in their political landscape. They wanted to be informed on how their parliament would work, how it would affect them and who had ambitions to be in it. The expectations were extremely high. "A new kind of politics" preferably made by "a new kind of politician" was on the minds of many Scots. A democratically elected national parliament should bring greater accountability. If coalition governments should become more likely then at least this would bring more consensual politics. London based politicians were expected to keep their hands out of everything – especially "control freak" Tony Blair. The working of the parliament was to be open and inclusive. There were worries that the lack of a second chamber like the House of Lords would lead to bad legislation as laws would not have to undergo enough scrutiny. Finally there was a constant discussion on the effects of independence in the case of a SNP victory. (More about that in chapter 4.2.)

Many opinion polls were conducted over the period between the referendum and the election. After it became clear that a Scottish parliament would be set up it first seemed as if Labour could reap what it had sowed. Had the election taken place straight after the referendum Labour would have won 67 out of 129 seats, the SNP 38, the Tories 15 and the Liberals 9. No coalition would have been necessary. This picture changed very much over the following months. The SNP regained ground and overtook Labour in mid-March 1998. From then on Labour lost support until in July 1998 when it would have won no more than 40 seats, leaving the SNP with a close absolute majority of 65 seats. Interestingly, there was almost no

significant difference between Tories (11 seats) and Lib Dems (13 seats) anymore. A rather worrying scenario was reached in September 1998 when both Labour and SNP with 55 seats and Tory and Liberals with 9 and 10 seats would have produced a hung parliament. As there would not have been a winner amongst the two big parties the smaller ones would have decided on who could form the government. This raised questions about how practical and democratic the new voting system was.

From September 1998 on opinion polls drew a very unstable picture. The only clear statement was that only Labour and the SNP could win and that an overall majority became less likely. Voting intentions seemed to depend on the performance of the government in London and on attitudes of senior members of the various parties. The SNP benefited as long as it could keep the image of a Blair-controlled Labour Party alive but lost once Salmond came up with his 'tartan tax' and anti-Nato remarks. One month before the election it looked very much like a clear Labour victory and a Lab-Lib coalition. According to a Sunday Times poll Labour would have been four seats short of an overall majority, the SNP would have come second with 42 seats and once more Tories and Liberals would have received the same number of seats: 13. The findings of this poll (i.e. that Labour was in a secure lead and that the Conservatives and the Liberal Democrats gathered equal support) turned out to be a good prediction of the outcome of the election.

## **2.7. An Accumulation of Historic Days**

2.7.1. The Election

The recent history of Scotland is suddenly full of so-called historic days – the first one being the 6<sup>th</sup> May 1999. On that day the Scottish electorate was asked to participate in the first free elections ever to a Scottish Parliament – an assembly that had been adjourned 290 years ago. However, not as many people as expected actually used their democratic right to

determine who would sit in Holyrood. The turnout of 59 per cent was quite low.

Table 2: Election results

	<b>Constituency (FPTP)</b>	<b>Region (PR)</b>	<b>Total</b>
<b>Lab</b>	53	3	<b>56</b>
<b>SNP</b>	7	28	<b>35</b>
<b>Con</b>	0	18	<b>18</b>
<b>Lib</b>	12	5	<b>17</b>
<b>Others</b>	1	2	<b>3</b>

The first MSP to be elected after almost three centuries was Labour's Tom McCabe and the fact that he was victorious over the SNP candidate in his Hamilton constituency was already an

indication of the outcome. The counting went on all through the night and not until 4pm on 7<sup>th</sup> May could the final result be announced. The new top-up system had made it more difficult to establish who had won a seat and in some areas like the Lothians where two candidates had been separated by only some 30 votes recounts had taken place.

The exact end result can be seen in the table above. Labour won this historic election but missed an over-all majority by 9 seats. As the party had scored less than 40 per cent of the popular vote this was a fair outcome and the party was pleased with it. Most seats were won by direct candidates. Donald Dewar had to shake many hands and to come to terms with the fact that he would lead Scotland into a new political era. Tony Blair congratulated Scottish Labour for the “magnificent result” and called it “a victory for the Union.”

The SNP drew their first MSPs mainly from the regional party lists. They benefited most from the new voting system. Surely they would have liked a different outcome and in the many interviews on the night of the 6<sup>th</sup> and morning of the 7<sup>th</sup> May could hardly hide their disappointment. Yet the party had to admit defeat and in the end Alex Salmond remarked on his new task as the leader of the opposition: “Remember, Oppositions have a habit of becoming Governments.”

Quite a few members of the Conservative Party including their British leader William Hague breathed a sigh of relief when they heard that they were the third strongest fraction in Holyrood and had beaten the Liberals. Sir Malcolm Rifkind summarised realistically the

party's result: "Our recovery will not be dramatic and will not come overnight. We're not interested in forming coalitions. Our role will be to be a constructive opposition party (...)."

The Liberal Democrats would certainly have preferred to be ahead of the Tories but even by being only the fourth strongest party they had achieved their major goal: to be strong enough to assist one party, preferably Labour, to form a majority government. Strangely enough the Liberals would have been able to help both Labour and the SNP to an overall majority and were thus quickly called "king-makers".

The most interesting outcome is the section 'others'. The independent Dennis Canavan won the one direct mandate. His decisive win over the Labour candidate in Falkirk West was a moral victory for him and his supporters and a blow for Canavan's ex-party. Claims to reinstate Canavan after the election were ignored by Labour. Robin Harper of the Green Party and Tommy Sheridan of the Socialist Party won the two top-up seats. Overwhelmed by joy and close to tears Harper commented on his two colleagues who were not backed by big parties: "And to Tommy Sheridan and Dennis Canavan – congratulations on getting in, and I am going to be with you just causing a little bit or hopefully a very big difference in that Parliament." That night no one knew how much a difference especially the socialist MSP would cause.

#### *2.7.2. Coalition Talks*

As the election result did not allow Labour to govern on its own it had to enter coalition talks. Such a scenario was unprecedented in Scottish politics. Never before did a party have to bargain with another one in order to avoid a fragile minority government. Even in British politics this was a premiere as in contrast to all coalition governments the country had seen before this was a peacetime coalition and not enforced by the need for a broad consensus in times of crisis.

The obvious choice for Labour to form a coalition with were the Liberal Democrats. Four days after the election representatives of the two parties met and started to work out a deal that would please both parties and their voters. In most areas there was fast progress being made. For Labour these talks went extremely well as the team around Donald Dewar managed to avoid being forced into making concessions. This of course was helped by the fact that Labour's and the Liberals' manifestos had not been too contradictory in the first place. It was agreed that Jim Wallace would be confirmed as Deputy First Minister, the Liberals would have two Cabinet seats and two junior ministries, £51 million would be spent on Scotland's

schools and the Skye Bridge road tolls would be frozen. Only the issue of tuition fees proved to be problematic. Emphasised most by the media it became a matter of pride and self-respect for the Liberal Democrats not to give in to Labour's position of retaining this unpopular measure. Labour on the other hand had no intentions to scrap the fees and thereby risk a £65 million hole in the budget plus a clash with the British Exchequer Gordon Brown, who had spoken about an "educational chaos" in case Scotland abolished the fees unilaterally. Despite the fact that the two parties agreed on a way of handling the issue the section on tuition fees in the final coalition document can be and was indeed interpreted in various ways. It states that an inquiry into the issue of tuition fees would take place and that after that a free vote would be held in Holyrood. For the Liberals that meant that the document does not bind them to vote in any particular way; Labour however sticks to the practise of collective responsibility and will allow discussions *before* a vote will be taken but expects a uniform approach in the actual vote of the *entire* coalition. It will be very interesting to see what will happen when this vote is really being held.

The first coalition talks in Scottish politics ended on Friday, 14<sup>th</sup> May with the signing of the coalition document "Partnership for Scotland: Agreement for the Scottish Parliament" by Donald Dewar and Jim Wallace. By that time another historic day was already history: the inauguration of the Scottish Parliament.

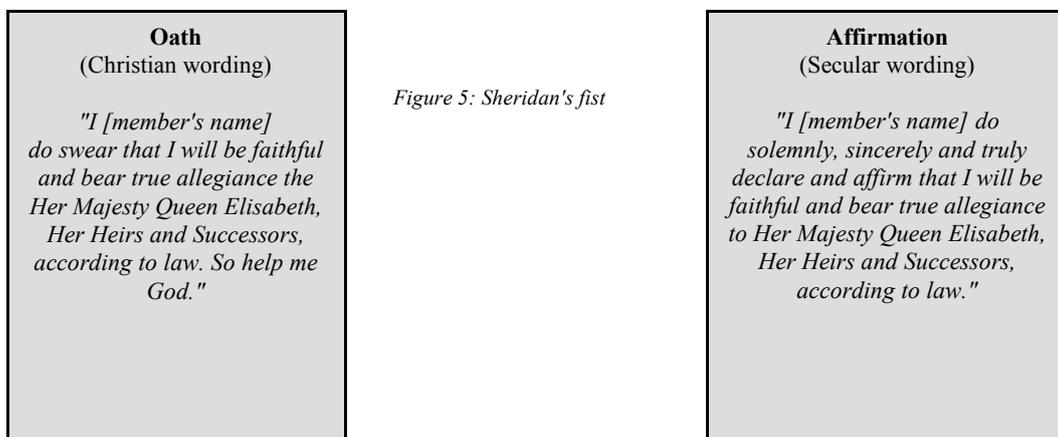
*Figure 4: First sitting*

### *2.7.3. The First Sitting*

"The Scottish Parliament, adjourned on the 25<sup>th</sup> day of March 1707, is hereby reconvened," said Winifred Ewing when she opened the first meeting of the 129 MSPs in her function as mother of the house. On 12<sup>th</sup> May they were gathered for the first time in the General Assembly Hall of the Church of Scotland on the Mound in Edinburgh, which is the temporary home of the Scottish parliament until the new building near Holyrood park is completed.

The only point on the agenda was the swearing-in of all new MSPs. Usually this is a very formal procedure whereby every member has to swear allegiance to the Queen using either of two wordings and raising the right hand. Yet the new parliamentarians demonstrated that they are not afraid of bending old traditions and many gave their private versions of the oath or affirmation. At times it appeared to be a competition to find the MSP who altered the

text and gestures most and got away with it. Alex Salmond affirmed on behalf of the entire SNP group that their first allegiance is to the people of Scotland and not to the Queen; Robin Harper and Dennis Canavan could only underline that; Winnie Ewing said the oath twice – once in English and once in Gaelic, the nationalist spouses Margaret and Fergus Ewing said their affirmations simultaneously; Labour's Susan Deacon was interrupted by her infant daughter shouting from the public gallery, and Dorothy Grace-Elder was too creative and had to say the oath again. The socialist Tommy Sheridan undoubtedly staged the most controversial and provocative performance affirming only under protest and offering the clenched fist. He declared his allegiance to a Scottish democratic republic. In the end one third of Scotland's new representatives had their individual interpretation of the oath put on their records.



The election of the First Minister, which was scheduled for the day after, could have been an easy and quick task had not Alex Salmond, David McLetchie and Dennis Canavan suddenly decided to stand against Labour candidate Donald Dewar. Despite the fact that those three contenders did not stand a chance of being elected they must have felt they needed to make the point that they would not give in that easily. At that point there really was no sign of the new consensual politics people had hoped for. It can be assumed that most MSPs voted along party lines and thus the result was hardly surprising: 3 votes for Canavan, 17 for McLetchie, 35 for Salmond and with the combined forces of Labour and the Liberal Democrats 71 votes for Donald Dewar.

After Dewar was officially approved by the Queen on Monday 17<sup>th</sup> May he presented his Cabinet the next day. He chose a very young (the average age being only 45 years) and yet experienced team. The task of the new First Minister was especially difficult, as he had to restructure the former Scottish Office and distribute the newly created resorts between

members of two parties. As it had been negotiated in the coalition talks the Liberal Democrats would receive two portfolios. Thus Dewar's Deputy First Minister Jim Wallace became Minister for Justice and Ross Finnie Minister for Rural Affairs. The other eight Cabinet seats went to Jack McConnell who became Minister for Finance; Henry McLeish, former Minister for Devolution at the Scottish Office and now Minister for Enterprise and Lifelong Learning; Sam Galbraith, former Scottish Office Minister for Health and Sports and now Minister for Children and Education; Susan Deacon, Minister for Health and Community Care; Wendy Alexander, who used to be a special adviser to Dewar and now heads the Ministry for Social Inclusion, Local Government and Housing; Tom McCabe as the new business manager; Sarah Boyak, Minister for Transport and the Environment; and Lord Hardie; old and new Lord Advocate. From that day on the Scottish Office ceased to exist and operates now under the new name Scottish Executive with those ten main departments given above.

#### *2.7.4. The Official Opening*

The excitement over the new Scottish government gave way surprisingly quickly to widespread apathy as far as Scottish politics was concerned. People had been so enthusiastic about 'their' new parliament that it was quite extraordinary to notice how little the topic was covered by the media and how rarely it was mentioned in private conversations. Many Scots were disappointed because nothing much had happened since the elections. In an unrepresentative telephone poll by the *Evening News* published on the 30<sup>th</sup> June 97 per cent of those questioned stated that up until then the parliament had been a disappointment. Yet apart from the fact that expectations had simply been way too high people did not see that the parliament had not really been in session yet. So far it had held only meetings to sort out the standing orders and to decide how everything would be organised. The cherry-picking media fuelled the negative appearance by covering these meetings as mere discussions on salaries, allowances and holidays.

*Figure 6a: Celebrations on the Royal Mile*

However, when on 1<sup>st</sup> July 1999 the Scottish parliament was officially opened many Scots seemed to push aside their disappointment and joined in the many festivities that were going on in Scotland's capital. So much had been organised to make this day a very special one for everyone. Thousands had come to see the royal procession from Holyrood Palace to the General Assembly Hall of the Church of Scotland, the temporary home of the parliament. The Queen had come up to Edinburgh to open the parliament and was accompanied by the Duke of Edinburgh and Prince of Wales. At the

*Fig.6b: A big day for old..*

Assembly Hall 128 MSPs were gathered along with representatives from politics, business, the arts, the media and the general public. It was a festive ceremony, which was broadcast live on big screens to thousands of spectators in Princes Street Gardens. In the afternoon Edinburgh saw parades, a flight show, a street party, concerts and finally spectacular fireworks. It was a day of celebration and of experiencing history being made for many (but surely not all) Scots.

*Fig.6c: ... and young*



Yet however impressive all those celebrations had been, from 2<sup>nd</sup> of July on the parliament had to take over the responsibility that it had been given by the government in London and the people of Scotland: "Once the flags have been folded and put away, the speeches are done and the celebrities have gone home ... then the hard work must be started." Thus the parliament started to operate quickly and worked energetically until the first summer break. When the parliamentarians are coming back in the autumn they have to prove that they can live up to the high expectations, especially that Holyrood is different from Westminster. This will be a hard task indeed but Scotland's new politicians are determined to achieve it.

### **III THE POWERS OF THE SCOTTISH PARLIAMENT**

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#### **3.1. The Constitutional Framework**

### *3.1.1. Constitutional Arrangements*

One could think that the United Kingdom of Great Britain and Northern Ireland is a federation of four nations. Unlike any other European country it even sends up to four independent teams to international competitions. But Britain is not a federal state at all. The country is governed from London; Westminster embodies unchallenged political power and authority. Neither the House of Lords nor the Queen have any real influence over the government of the day. This is based on the highest constitutional principle that the British Parliament is sovereign.

Blair's government recognised this and pointed out in its legislation that all proposed actions have to take place within the boundaries of the current constitution. Devolution means that certain powers and responsibilities are transferred to another (preferably elected) body, which by definition is subordinate. It therefore does not challenge the British Parliament but affects it positively. By devolving legislative responsibilities to a Scottish parliament Westminster solves three problems at once: firstly it enables the Scots to decide upon their own affairs, thus, secondly, it decreases its own workload, and most importantly, it does not diminish its powers because devolution does not weaken its central position. The following section of the white paper explains the Government's principles:

The UK Parliament is and will remain sovereign in all matters: but as part of the Government's resolve to modernise the British constitution Westminster will be choosing to exercise that sovereignty by devolving legislative responsibilities to a Scottish Parliament without in any way diminishing its own powers. The Government recognise that no UK Parliament can bind its successors. The Government however believe that the popular support for the Scottish Parliament, once established, will make sure that its future in the UK constitution will be secure.

(white paper, chapter 4)

So there are no fundamental changes. Whether there is a Scottish Office or a legislative body such as a Scottish Parliament, there is little difference in constitutional terms as long as Westminster's sovereignty remains untouched. The Government cannot even ensure that the next parliament will continue this way of governing. Every successor or even the government of the day itself is at all times authorised to remove powers or even (as was the case with Stormont in Northern Ireland) to dissolve the parliament completely. The only assurance for a permanent existence is public support – the same principle on which the entire British system of government is based.

### *3.1.2. Devolved and Reserved Matters*

In order to decide which matters should be devolved to a Scottish parliament and which should not, the Government opted to name only the latter. This method was chosen to

ensure clarity and stability and to prevent ongoing reviews and up-dates of this part of legislation. Clause 4.2 of the white paper (cited above) confirms that all constitutional matters such as the Crown, UK Parliament and the Acts of Union are solely the right of the central government in London. Apart from the Constitution the Government has reserved only a small number of policy areas. These include UK foreign policy, UK defence policy, national security, the stability of the UK's fiscal, economic and monetary system, employment legislation, social security and most aspects of transport safety and regulation. Modifications to this list are possible however but should not be necessary under normal circumstances as long as Scotland remains part of the UK. Everything that has not explicitly been declared a reserved matter lies automatically within Holyrood's legislative competence.

There are two main reasons why certain areas remain within the competence of the UK government. Some like UK defence or foreign affairs are simply handled better or more efficiently by the UK government. There is neither a Scottish army but a British one nor are England, Wales, Scotland or Northern Ireland members of the EU or UNO but the UK is. Therefore the central government will represent, negotiate and decide for all its members, preferably after a period of consultation. The second reason is that in certain areas significant differences between the legislation of the various members of the Union could cause difficulties and should therefore be avoided. It would prove very difficult to justify that a pensioner who used to work for the civil service north of the border should receive a different pension to a former civil servant in the South. There would be no way to stop a woman from Yorkshire to travel to the Borders to have an abortion there if she finds that Scottish law allows what English law prevents; thereby condemning the tighter version to ineffectiveness. Regulations for the franchise for elections must be the same all over the country, otherwise Welsh MPs could be elected by 16-year olds and Scottish ones only by anyone older than 21 if the respective parliaments passed the necessary legislation. In areas where a uniform approach is essential for a proper working of legislation only the UK parliament, which consists of MPs from all four British nations, can decide.

### *3.1.3. Reaching an Agreement*

Power sharing has its positive and negative sides. On the one hand the overall workload will be halved, on the other hand arguments might arise if both sides feel responsible for a controversial issue. In this case guidelines must be provided on how agreements can be reached. These guidelines are given by the white paper.

It is of course essential that both governments develop a permanent and mutual flow of communication. The organisation of an ongoing exchange of views and the representation of Scottish interests in the UK cabinet is the task of the Secretary of State for Scotland. Due to devolution he loses all of the departmental functions he used to have in the cabinet to Scotland's First Minister. Instead he is to become the linkman between the Scottish parliament and the British Cabinet. Before the Secretary's involvement in every-day affairs the departments themselves liaise. The Scottish executive and various departments of the UK government will try to solve problems at an early stage; if they cannot agree on a particular issue the matter will be discussed by Scottish officials and the Cabinet Office in London. On rare occasions when no agreement can be reached UK ministers will enter and settle the dispute. Another safeguard for a smooth functioning is pre-legislative examination by the Scottish parliament whether or not it is entitled to discuss and pass a piece of legislation. This will be the task of Scottish Executive Law Officers. Highly controversial matters can finally be transferred to the Judicial Committee of the Privy Council whose task it will be to find a definite solution. Time will show under which circumstances such high level measures have to be used.

### **3.2. The Electoral System**

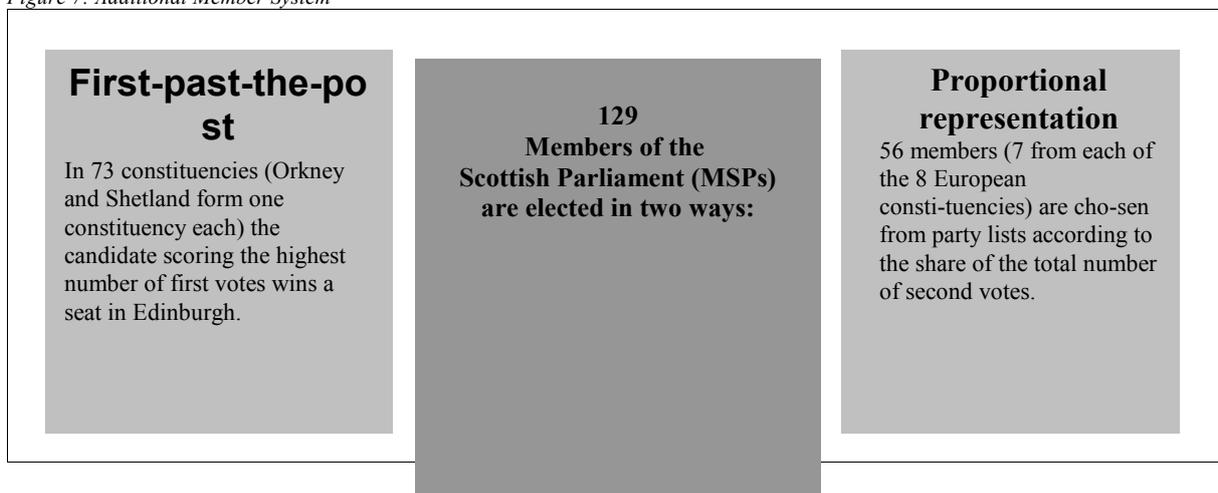
For the elections to the Scottish parliament a new voting procedure was introduced. Traditionally Britain favours the 'first-past-the-post' system (FPTP). Single-member constituencies where the candidate with the highest number of votes goes to parliament create a strong although not necessarily a fair assembly. An overall majority for one party (in terms of seats) is almost certain. Coalition governments are extremely unlikely. At the same time this method opens the door for an 'elective dictatorship'. There is no way to restrict the government's rights once it is in power. What used to be recognised as a strength is now regarded as questionable. The so-called strong governments of the 70s were backed by barely 40 per cent of the electorate. A "rotten-burgh-condition" developed in some parts of the country. New or smaller parties had almost no chance of gaining political influence.

It is no wonder that political activists have called for change for many years. The crux of a properly working parliament is fair representation. The voting system that is applied must guarantee that the will of the electorate is reflected and that accountability is ensured. Although the Labour Party realised the advantages of FPTP after all, it is still committed to reforming the voting system in Britain. The late 90s offered the opportunity to start the

process of electoral reform by introducing a mixed system of elections to the national (i.e. Scottish, Welsh and Northern Irish) parliaments and assemblies, which include proportional representation.

The new voting procedure for Scotland is a combination of two methods. Despite criticism of FPTP no party wants to let it go for good. Ties with their local constituencies are far too strong to abolish them. Instead of revoking the old system it will be supplemented by another method that ensures fairer representation of all political convictions. This is similar to the system that is currently used in Germany. Every elector will cast two votes: one for a constituency MSP and one for a party. This is where proportional representation (PR) comes into play. Of the five different PR systems the Labour government proposed the 'Additional Member System (AMS)'.

Figure 7: Additional Member System



Those members who are elected from party lists according to the percentage of votes cast for the party are called additional members. Each European Parliament constituency will have various party lists with names of potential MSPs. After a complicated calculation the top seven candidates win a seat in Edinburgh:

- C.3.1 The number of votes cast for each party within the European constituency will be counted.
- C.3.2 The number of votes cast for each party will then be divided by the number of constituency MSP gained in Parliamentary constituencies contained wholly within the European constituency plus one.
- C.3.3 The party with the highest total after the calculation in C.3.2 is done gains the first additional Member.
- C.3.4 The second to seventh additional Members are allocated in the same way but additional Members gained are included in the calculations. (white paper, annex C)

56 MSPs are elected using this Hagenbach-Bischoff quota. They make up roughly 40 per cent of the 129 members of the Scottish Parliament. The remaining 73 seats are given to the winners of the FPTP elections in all the Scottish constituencies. The only difference compared

with General Elections is that Orkney and Shetland form one constituency each. The Labour government and its supporters are confident that this combination of well-established and modern aspects will have positive effects on both Scottish and British politics.

It is not only the voting system that is coalescence of old and new. The electoral register is still based on residency, everyone who is 18 or over is entitled to vote and those 21 or over is eligible to stand for election. In contrast to General Elections, however, Peers and Priests are allowed to vote and be elected. EU nationals who live in Scotland enjoy the same rights. Unlike the House of Commons the Scottish Parliament will have a fixed term of 4 years.

This new way of assembling a parliament also influences the manner of politics. Most Scottish people hope that the adversary style where two main parties with extreme views oppose each other belongs to the past. They want a new style of politics made by a new kind of politician. More parties and even individual members can become involved in policy making thus a wider range of views can be articulated and heard. The outer sign for this new approach to conducting politics is the shape of the debating chamber: for the first time it is a semicircular one.

### **3.3. New and Old Responsibilities**

Devolution of executive powers is not a topic of the late 1990s. The Scots themselves have always done the actual administration of Scottish affairs. In 1885 the Scottish Office was founded. In the beginning it did not have many functions but over the following years it was accredited an ever-increasing number of responsibilities. Before July 1999 the Office used to have five main departments dealing with an incredible variety of topics and an enormous workload. The Home Department took responsibility for areas like law and order, local government and Scotland's special legal and religious systems. The Department of Health took care of the NHS in Scotland and social security. The Education and Industry Department covered a wide range of matters by definition, including primary, secondary and further education and the regulation of the Scottish economy, which included financial subsidies to industries. The Development Department dealt for instance with land-use planning, housing and roads, and transport services. The wide tasks of the Agriculture, Environment and Fishing Department are self-explanatory.

The Scottish Office was headed by the Secretary of State for Scotland. His position was always a very busy and at times a controversial one. Busy it was because he was

responsible for a variety of matters England had up to ten departmental ministers for. Yet as the head of the Scottish Office and member of the British cabinet he was expected to take an interest in all matters concerning Scotland. He was supposed to lead and organise in Edinburgh and to inform and link up with London. The fact that the Scottish Office was not an elective body and all senior members were appointed made the Secretary's job controversial. The Scottish Office consisted of members who were either subject to majorities in the House of Commons or permanently employed. Over long periods of time that meant that the Scottish Office was staffed with people with a political outlook the Scottish electorate didn't share – including the Secretary of State himself.

This was annoying already but more seriously this led to a lack of accountability. A government is held accountable by fighting elections. Yet even if the Scottish electorate withdrew its support of the governing party it made no real impact as Scotland only elected 72 out of 359 MPs. The Scottish executive was removed from the scrutiny of the Scottish electorate.

Although Scotland had achieved a certain degree of self-determination and the Scottish Office could act rather freely within these boundaries and even managed to gain public support things needed to be improved and democratised. Under the Scotland Act of 1999 provisions were made to decide on a new range of responsibilities, to ensure accountability and to re-define the role of the Secretary of State.

The most important change is that Scotland now has a national legislature. Law making powers are performed by 172 elected representatives who decide exclusively upon most of current national matters. It is headed by a First Minister, who is the leader of the party with the biggest parliamentary mandate. He appoints his ministers and is assisted by Scottish Law Officers. He takes over the bulk of responsibilities from the Secretary of State whose role changes completely. He will only be involved in decisions on reserved areas and is to represent Scotland at Westminster. His workplace is in London while Scotland's First Minister is based in Edinburgh.

The executive will be restructured starting with a name change from the Scottish Office to the Scottish Executive. The existing civil service with its 12,000 employees will not undergo substantial changes. It is regarded as capable and effective. The Scottish Office discharged a broad range of duties, which were devolved under the 1978 Scotland Act. Most of these areas were mentioned earlier, and not surprisingly, none of these are transferred back to Westminster. The Scottish Parliament takes control of the health sector, education and

training including science and research funding, social work and housing, the economic development and transport, law and home affairs ranging from criminal, civil and electoral law to civil defence and emergency planning, liquor licensing or protection of animals, the environment including the preservation of the national heritage, agriculture, forestry and fishing and sports and the arts. Moreover the Scottish executive is responsible for certain functions in areas where it does not have law making powers. These are for instance regulations for betting or the National Lottery, some Crown, church or ceremonial matters, functions in relation to roads and airports or the operation of public sector pension schemes. Please note that these are only key points to show the variety of the work that needs to be done by the Scottish legislature and executive.

When we compare the old and new responsibilities we have to understand the following developments. Scotland is now able to democratically set up a national parliament, which has legislative powers. With the exception of reserved matters the Scots will decide exclusively upon Scottish interests. This is a huge step forward in a country that used to pass legislation centrally. The process which leads to the implementation of these laws will basically remain the same. The amount of work and responsibility that Scotland has to deal with will increase. But so does accountability, which should compensate for all the efforts.

### **3.4. Financial Arrangements**

For many years Scotland's budget has been controlled through an arrangement known as the Scottish Block. Every year according to Scotland's population figures a certain share of the UK expenditure was made available to the Secretary of State. He could then decide how to distribute these resources. He could follow the English example, but was absolutely free to set up different expenditure principles. The Government proposed that there is no need to change this method as it works well. There will be a different name - Scotland will no longer have a Secretary of State's budget but a Scottish Parliament assigned budget. The way of allocating these resources will change, too so it will no longer be a decision of a handful of people. In the future the Scottish Parliament will decide where the money will be used.

The estimated budget will be some 14 billion Pounds. On average that is 3000 Pounds per person. This latter sum can vary up to 100 Pounds in both directions because of Scotland's ability to vary taxes. As a result of the referendum, the Scottish Parliament can decide to increase or decrease the income tax rate set by the UK government. Income tax was chosen because it is "broadly based and easy to administer" in contrast to VAT or corporation tax. The range in which the rate may be varied sounds rather small: it is only 3p. But calculations suggest that currently a one pence change would lead to a 150 million Pounds revenue. If necessary, Scotland could increase or decrease its budget by 450 million Pounds.

*Figure 8: Special bank note commemorating the First Meeting of the Scottish Parliament*

As this chapter deals with financial conditions we can finally look at the costs that this devolution process causes. Now that the Scottish Parliament is in operation running costs are estimated to reach between 20 and 30 million Pounds annually; this means about 5 Pounds per head of the Scottish population. 10 million Pounds are needed for establishing tax variation followed by 8 million Pounds for collecting the tax every year. Certainly these estimates show that the creation and operation of a Scottish Parliament is not for free, but these figures were disclosed before the referendum and almost three thirds of the Scots agreed to this expenditure. Collectively they hope now for good value for money.

## **IV SCOTLAND - A NATION REBORN?**

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### **4.1. Scotland's New Self-image**

Scotland seems to have experienced an awakening since the implementation of devolution plans. The nation has a positive outlook on its future and promotes Scotland as an ideal place to live and to set up one's business in. Scotland has always been a proud and independently thinking nation but now there is firm self-confidence in the way Scottish people and politicians talk about Scottish affairs. Scots want to take their future into their own hands and shape a new, strong and prospering Scotland.

Especially in terms of politics but also in other areas the Scottish people want to find their very own way of doing things. They want to make the point that they can handle their matters better than the central government could. They do not accept any intervention from London. Sometimes Scotland appears to behave like a youngster who feels the desire to prove that he does not need parental supervision and guidance anymore and that he is capable of taking full responsibility for his actions. And like a teenager Scotland seems to forget that it is the parents' experience and money that enable him to lead the life he is used to.

Over the last two years in some parts of the Scottish society this attitude has produced a new problem: putting an emphasis on Scotland's distinctiveness along with expressing the wish for more self-determination led some people to believe that there are grounds for showing not only an explicit pro-Scottish to a worrying anti-English attitude. Admittedly, Scottish people have never felt very British – already years before the most recent devolution process 64 per cent said that they felt at least "more Scottish than British" or even "not British at all" and they have certainly never felt English. But does this mean that there are no links with the rest of the British society? Does this justify that Scotland suddenly portrays 400 years of a successful union with England as if the nation had to sacrifice more than it benefited?

Sadly one has to notice that Scotland is stepping over the borderline that separates patriotism from nationalism and racism. Only last spring Scotland had to be named most racist region in Britain and in its capital Edinburgh three times more racist crimes were reported than were in London. While in most British regions racism, if it occurs, is aimed against non-British people Scotland has developed its very own anti-English version. Having lived in England long enough to adopt the accent can turn out to be a life threatening 'mistake' for the people concerned. Bullying at school or at work has become more and more common.

It is especially worrying that now Scottish children grow up in this atmosphere of dislike and apathy. Anti-English remarks and sentiments become accepted and are no longer questioned.

Social scientists say that often people define the 'self' by contrasting it to an 'other'. It is easier to say who or what you are by saying what you are not. Scotland has to redefine who it is and thus seems to use England to point out what it is not. Hopefully Scotland manages soon to find a new way of explaining its 'self' by listing Scottish achievements rather than so-called English failures.

#### **4.2. The Issue of Independence**

In the first version of this paper I wrote: "I dare predict that if the United Kingdom has to let one of its members go it will almost certainly be Northern Ireland." Now that I have spent some time in Scotland (and know more about the situation in Ulster) I have to renounce that comment. Independence is on many people's minds. Opinion polls show that there is a steady figure of some 25 per cent of the Scottish population who want independence. At some point during the election campaign up to 50 per cent of those questioned stated that they would vote for independence in a referendum. This was certainly only a temporary high but it demonstrates how much of an issue independence really is.

It is hard to categorise which group(s) of people back plans for independence and which do not. The wish to live in a Scottish state exists in all classes, professions and is pursued by both genders likewise. However, most of these people have their support for the Scottish Nationalist Party in common, whose major goal it is to break with the rest of the UK and to found a Scottish republic. The SNP is not the only political force that seeks independence – the Scottish Socialists and the Green Party support the idea, too. Yet there is a strong voice against an "English-Scottish divorce" as well. On the political scene Labour, the Liberal Democrats and, of course, the Conservatives promote this view. The variety of people who do not wish to end the union is even wider than the one that does including people with a mixed background (i.e. people who have non-Scottish relatives or spouses) and foreigners. Of special significance is however that most directors of major businesses in Scotland are against independence and have threatened to leave Scotland should it become a separate state.

The state of the Scottish economy is of vital importance when independence comes under consideration. Scotland can only become an autonomous state if it can support itself. Scots like to refer to the North Sea Oil when the question arises of how Scottish independence could possibly be financed. Yet the oil revenues alone cannot meet the demands of a new

Figure 9: Initial costs of an independent

The price of independence	
Defence	£2bn
Social security	£500m
Customs and Exise	£300m
Ministry of Finance	£300m
Central Bank	£80m
Post Office	£50m
Overseas aid	£50m
Diplomatic representation	£50m
Inland revenue	£50m
Statistics office	£40m
Regulatory authorities	£3.4m
Health	£6.2m
Education	£4.8m
Other public expenditure	£25.2bn
<hr/>	
<b>Total expenditure</b>	<b>£39.6bn</b>
<b>Income (incl. oil revenue)</b>	<b>£30bn</b>
<b>Total cost</b>	<b>£9.6bn</b>

Scottish state by any means. In April 1999 the respected Centre for Economics and Business Research (CEBR) published a report which stated that Scotland's independence would cost an unaffordable initial sum of £10bn. Despite some existing and working national institutions such as the educational and legal systems the Scottish state would have to be created more or less from scratch. For example Scotland would need a defence force to protect the North Sea Oil (this alone would cost £2bn plus another £2.5bn of annual running costs); a tax and social security system would have to be set up; and money would be needed to introduce a Scottish postal system and open up embassies throughout the world. CEBR predicted that in order to meet the

SNP's spending commitments income tax would have to rise to 38p, business taxation would double, and up to 92,000 people – most of them skilled workers – would leave Scotland. The price of a sovereign Scotland seems to be too high to pay.

The European Union is of special importance for those who dream of independence. Nationalist hope that by joining the EU and the Euro Scotland could attract business and investment and would thus be able to fund independence. The nation likes to look over the Irish Channel to see how much the EU has helped the Republic of Ireland. Scotland would not mind to have its own version of the "Celtic tiger". But how realistic is that? Will Hutton argued in a passionate lecture that setting (financial) hopes on Europe might be a dangerous game. Even if an independent Scotland would be allowed to join immediately (which is all but certain) the EU would have enough other problems than pumping money into this small northern state. Scotland would find itself amongst many small member states which are fighting for funds and it certainly would not be the first in the queue. Scotland would also have to join the Euro, which in turn would mean that Scotland would lose control over interest rates, which is a substantial part of managing finances and economy. "It's time to forget the Braveheart imagery. Independence is a dead-end policy to leave Scotland whistling in the wind." Europe will not change that.

At the moment Scottish independence is not on the cards. Labour has won the first election to the new Scottish parliament and due to the fixed four year term will govern until 2003. Even if the SNP won the next election it would certainly take some time until they would actually hold a referendum. First the party would have to show that they can run Scotland well before they could seriously ask for the support of their people for a "tartan divorce". A lot depends on the performance of the governing coalition. If they work well and manage to keep the SNP out of power independence will certainly not happen in the next two decades. The long-term future of Scotland remains very uncertain however. Should the SNP become the strongest political force in Scotland independence is only a matter of time.

### **4.3. Effects on the United Kingdom**

At first sight devolution does not change much in the constitutional and political set-up of the United Kingdom. The country continues to consist of four nations - Scotland remains an integral part of the UK. The Queen is still the head of state; the British Prime Minister the next most senior political figure; Westminster's decisions in reserved matters are binding. Scotland continues to participate in British politics by electing Scottish MPs and is represented in the British cabinet by its Secretary of State. Thus apart from minor alterations the basic framework on which the British system of government rests remains intact.

The real implications of the devolution process become clear when the so-called "West Lothian Question" is seriously considered. When devolution was debated in the 1970s Tam Dalyell, MP for West Lothian, asked a question that started a discussion about the working of the UK Parliament which has still not properly been answered: if devolution happened, how could it be justified that Scottish MPs continue to vote on English domestic affairs (which would be dealt with by a British parliament) when non-Scottish MPs would no longer be able to vote on Scottish domestic matters (as they would be handled by a regional assembly non-Scottish members are not part of)? How could a Scottish MP become a minister in a British government when the Scottish part of his portfolio and hence the part that affects his electorate most would be the responsibility of a separate ministry in Scotland? This problem had bewildered Gladstone in the last century without him being able to solve it and even today no satisfying solution has been offered. Why? Because the only way out does not seem to be an option for Britain.

The problem only arises because Britain has chosen asymmetric devolution to change the current system of government. Apart from the UK parliament there are now subordinate

institutions with a varying degree of autonomy. Scotland can make laws and vary taxes without much interference from Westminster, Wales has its own executive and an elected assembly but is still legislated from London, Northern Ireland could be almost as self-governing as Scotland but is run more directly than Wales because of the troubles, and England has no parliament at all. This ambivalence could only be resolved if every nation was given a parliament with equal powers and a superior parliament dealt with matters that concern the entire British population. The UK would have to become a federal state – and this is highly unlikely. There simply is no desire for it whatsoever – rather the opposite is the case. The Scots do not mind the situation as it is, the Welsh make do with their halfway house, Northern Ireland cannot agree on whether the Dàil, Stormont or Westminster is the real authority, and England cannot see a need for "yet another" parliament. Most British people – wherever they are from – admit that federalism works well for many countries but that is no reason to introduce it to Britain. And by saying that federalism is the only option but also a disregarded one we are back at the beginning: for the moment devolution will not change much of the way Britain is governed.

#### **4.4. Scotland and Europe**

At the moment Scotland's hands are tied when it comes to the EU. Foreign policy is a reserved matter and although there is a complete chapter of the white paper and Scotland Bill that deals with Scotland's integration in European policy-making, it leaves no doubt that, in the end, it is a UK responsibility. Scotland will continue to benefit from the UK influence, it will be represented by its Scottish members and will be able to make proposals to the European Parliament but it has to understand that priority is given to all-British interests.

Scotland seems to be more open than England when it comes to Europe; however a closer look at Scotland's attitude reveals two distinct positions. On the one hand the nation has indeed a positive outlook on Europe, the EU and the Euro. This is partly because of constant efforts of Scottish nationalists to portray Scotland as a normal European country, because of the idea that the EU is a potential financial supporter of independence and because it helps to distinguish Scotland from the rest of the UK. On the other hand Scotland is well aware of the danger of losing the self-determination it just gained from the UK to Europe again. When Scottish people realise that European legislation has to be implemented in Scotland, too (e.g. that Scottish pubs could be told to sell half-litres instead of pints) pro-European movements are met with disapproval. Scotland fought for more local politics and more accountability but

this is in sharp conflict with a development that intends to overcome regional or national autonomies.

When we draw parallels to other European countries we will find that Scotland's divided opinion on European co-operation is not unique to Scotland. One development is that people tend to think in more general terms. Europe is on peoples' minds. Nowadays they are much more willing to put their national identity aside. The other tendency is that people are more allegiant to the region they live in. As borders disappear the wish for an identity and sense of belonging becomes more and more apparent. This can be achieved a lot more easily on a local basis. The state people are citizens of is no longer necessarily a place of identification. Maybe in a few years time a UK citizen that lives north of the English-Scottish border will describe his or her identity as that of a "Scottish European".

## V SUMMARY AND PREVIEW

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Someone could say: "It's only a parliament, is it not?" but this would be wrong. There is a lot more to devolution than the reopening of a Scottish assembly, which was adjourned 290 years ago. Through the process of devolution Scotland has gained a new position within the United Kingdom. Scotland is stronger, more self-confident and optimistic than ever before. The Scottish people feel that now their concerns are being taken care of. The nation has won a long fight for more political self-determination. The introduction of a parliament with law making powers enables Scotland to produce legislation that suits Scottish needs. This responsibility has been given to Scottish people who will be held accountable by the Scottish electorate. In that way Scotland has gained independence from the rest of the UK in all devolved areas. Hopefully, this will end the common practise of blaming everything on the central government down south. Scotland has been empowered to shape its future and has accepted this task enthusiastically.

Assumptions on Scotland's future are hard to make and the following hypotheses are only a very personal evaluation based on experiences I gained during my stay in Scotland. As far as the Scottish parliament is concerned I think that the original enthusiasm will calm down quickly. Scottish politics will gain the same attention British politics had before devolution; London-made politics will step back. The semi-proportional voting system and also the novelty factor of the parliament will create a variety of political outlooks, which can only be good for a country that is used to a two-party system. The hope for a more consensual way of conducting politics will probably be disappointed; not only because politics is a tough business but also because British people would miss something eventually. It is unlikely that devolution in Scotland will have immediate effects on the British system of government. Britain will neither become a federal state in the foreseeable future nor will Scotland seek independence.

The parliament is a huge gain for Scotland. It will enable the nation to legislate for its individual demands, will ensure accountability, and will include more people into the decision making process. It will also however demonstrate the complexity and complicatedness of politics, will prove that politics can be slow and tiring, and it will show that new institutions need time to grow and develop. The Scottish Parliament will teach the Scottish people a lesson in democracy. There will be joy and there will be frustration; progress and setbacks.

And probably very soon something comes that seems unimaginable at the moment: normality.

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