

THE SCOTLAND-UN COMMITTEE

Memorandum to the Council of Europe 1980

On 12 June 1980 a conference of local authority associations held by the Council of Europe in Strasbourg called for the creation of legislative regional assemblies with financial powers in European countries which are not already organized on a federal basis. This proposal was not least influenced by the scandal surrounding the Scottish national referendum a few months previously, when the Scotland Act 1978 was adopted for implementation by a clear majority of the Scottish voters, but was then illegally sabotaged by the incoming Thatcher administration. The so-called "repeal" of the Scotland Act was regarded with reason as a threat to the stability of democratic values throughout Europe.

Only states already organized on a federal basis, including the Republic of Germany, Austria and Switzerland, were excluded from the original version of the Council of Europe's proposal. The British delegation, however, objected to it on the ostensible ground that there was no need for an additional tier of government in a country such as the United Kingdom, which already had a two-level system of local government. The UK was thereupon also excluded from the terms of the motion.

The British delegation was told pointedly by Dr. A. Galette of Germany, who presented the special committee's report, that he did not think they were justified in stating that the proposal would be unacceptable in Britain - an unspoken but obvious reference to the current situation in Scotland. But Sir Duncan Lock, past chairman of the Association of District Councils in England and Wales, said there was a principle at stake, and that regionalisation went against the British view. He said: "There is no intention and no desire to introduce regional government in my country." Other speakers for the UK delegation also had the knives out in what was by now a bone-hard piece of political manoeuvring.

The British delegation, led by Sir Meredith Whittaker, included representatives of the Convention of Scottish Local Authorities (COSLA), an organization which was an outspoken advocate of recalling the Scottish Parliament. COSLA was, however, muzzled in Strasbourg, because the UK standpoint on the proposal was presented as a single and unified opinion of the delegation as a whole - which as usual had an overwhelming English majority.

The official British statement was recognised by several of the other 20 national delegations to the Council of Europe for what it was - a barefaced lie which bore no relation to the facts of the matter. It was clearly a component of the post-referendum campaign by the Thatcher administration to consolidate their illegal manipulation of the referendum and achieve a "final solution of the Scottish question". Furthermore, it was a flagrant abuse of the Council of Europe's authority and prestige to rubber-stamp the unconstitutional actions of the Thatcher government. This was all clear to at least some of the national representatives, but the Council as a body was nevertheless powerless to take any more direct action in the matter.

It was obvious to the Scotland-UN Committee that immediate action was called for to prevent this mythology from becoming established at international diplomatic level. Even if other countries were unable to help Scotland directly at that moment, the Scottish standpoint had to be

presented in order to counter the London misrepresentation. It had to be made clear to every international authority and national government that the actions of the British Government in respect of Scotland were devoid of any constitutional foundation, that the day-to-day administration of Scotland in defiance of a democratic decision by the country's highest constitutional authority now lacked even the merest semblance of legitimacy. While not anticipating immediate reactions, the Committee considered it essential to keep the international diplomatic ground in a state of constant preparedness for any action which the Scots might consider it necessary to take at some time in the future.

Accordingly, a statement was prepared and submitted to the Council of Europe in the form of a Memorandum by the Scotland-UN Committee. It was acknowledged by Secretary General Karasek and circulated to the Council's member governments. This paper was backed up by informal contacts and discussions at diplomatic level, and there is little doubt that it succeeded in totally destroying the effect of the deliberately false witness put forward by the UK delegation in Strasbourg. The Committee supplemented this action shortly afterwards with another memorandum to every individual member of the Assembly of the European Communities, and with a pointedly worded Petition to the Queen.

This was the first and last occasion on which the British Government attempted to misrepresent the Scottish situation at international level in such an open and formal manner. Their campaign of misrepresentation continued unabated but, having had their fingers burned in Strasbourg, their future actions of this nature were carried on more cautiously and informally, and were countered by the Scotland-UN Committee with the use of equally informal and sophisticated diplomatic techniques. The text of the Strasbourg Memorandum is as follows:

The Scotland-UN Committee

MEMORANDUM

To the Governments of the Member States of the Council of Europe

It has come to our notice that, at a recent conference organised by the Council of Europe, there was discussed a report proposing a regional system of government in countries which do not already have federal status. We further note that the British delegation were successful in having the United Kingdom excluded from the terms of the final proposals, apparently on the ground that the existing two-tier system of administrative local government makes regional governments unnecessary.

After the conference accepted the amendments, the leader of the British delegation, Sir Meredith Whittaker, is reported to have claimed that the result was a triumph for the British delegation, and stated: "The way it was worded made it appear the conference was voting in favour of regional government in the United Kingdom, but it is now amended to ensure that is not the case."

We must point out that there is no such thing as a unified British stance on this matter. The delegation led by Sir Meredith was to all intents and purposes an English one, in which a "unified front" on the basis of a 10 to 1 English majority ensured that Scottish ideas on the subject would be stifled in any "democratic vote". The delegates claimed that decentralisation is unwanted in the United Kingdom. It is not our purpose to judge on whether or not this claim is accurate in respect of England, but since the delegation obviously included Scotland in their unfounded assertions we are obliged to point out that in doing so they deliberately and with malice aforethought misled the conference by ignoring a mass of evidence to the contrary which was perfectly well known to them.

For almost a century the Scots have been attempting to have their ancient national Parliament recalled, in the context of an international situation in which no state in the world now possesses absolute sovereignty. The purpose of these efforts was not merely to have as many governmental functions as possible run at national (not regional) level, instead of unnecessarily and inefficiently at the level of the British Union, but also to provide a point of focus for the Scottish Nation, whose origin, history, culture, and social and economic structures are so totally different from those of England that the two countries ought never to have been placed under a common legislature. We would also point out that Scottish law is so fundamentally different from English law that to have both systems under a single legislature borders on nonsensical.

During the past century there have been at least 24 formal attempts to have the Scottish national legislature revived, in the forms of motions or bills presented to the United Kingdom lower house in London between 1889 and 1979. Of these, 4 motions accepting the principle of setting up a Scottish legislature were adopted by the House of Commons - and to this day ignored by successive British governments. The remaining 20 measures, mostly specific bills, were all defeated in the House of Commons by various means.

Some were killed by refusing to allocate parliamentary time for discussion and voting, others were counted out or disposed of by other procedural means, but the largest group were simply voted down, directly or indirectly, by the huge English majority in the Westminster Parliament, in an atmosphere of jeers, contempt and derision for Scotland and all things Scottish. By voting down "indirectly" we mean refusing closure or guillotine motions, thus permitting the proposals to be killed by filibuster tactics when discussion time ran out.

With the exception of the 1889 motion, all of these measures were supported by the Scottish elected representatives, the 20th century voting figures showing without exception majorities of 80 or 90 percent of Scottish Members of Parliament in favour. Yet in the face of this appalling record of discrimination - indeed, blatant political repression - the British (i.e. English) delegation had the effrontery to inform the Council of Europe's conference that there exists "no desire" for self-government in any part of the United Kingdom.

The delegation were perfectly well aware that on the 1st of March 1979 the 24th proposal in this series was submitted to the Scottish electorate in a national referendum,

and that in spite of its deliberately planned unsatisfactory nature, and a blatantly rigged referendum procedure, it was adopted for implementation by a clear and adequate majority of the Scottish electorate, according to the procedures and criteria already established in the referendums on the Northern Ireland Constitution and on entry to the European Economic Communities.

It is a fact that, in the subsequent general election, the parties committed to implementing this Scotland Act received more than two thirds of the popular vote, and that the Scottish Members of Parliament voted by a majority of well over two thirds for its implementation. Despite this, the present British Government used their overwhelming English majority in the United Kingdom lower house to bludgeon through a "repeal" of this Act, after it had been adopted by the Scots according to the procedures which throughout the Western world are regarded as normal for the implementation of constitutional measures. It is also a fact that public opinion polls in the period between the two world wars, and since then, have consistently shown an overwhelming majority of Scots to be in favour of reconstituting their national Parliament. In 1950 a National Covenant to this end was signed by almost two and a half million Scottish electors - an enormous majority of those entitled to vote - but the British Government refused even to accept the signature sheets, let alone act on them. Nor is this all.

We will not elaborate on the acts of personal repression taken against individuals suspected of favouring Scottish self-government, ranging from telephone-tapping to deprivation of livelihood and campaigns of character assassination, but we would point out that since the present Government came to power some ill-concealed attempts to destroy the Scots as a social and cultural entity have been increasingly perpetrated.

The Scottish universities and upper-grade positions in the media, industry and administration are increasingly being flooded with English personnel, to the exclusion of qualified Scots, and innumerable attempts have been made to assimilate Scottish institutions to English models. The latest, and obviously deliberate, attempt to destroy the Scottish culture at its tap root is the decision to abolish Scottish school broadcasts, forced through by the English management of the BBC in Scotland against the virulent opposition of every single social group in the country.

It is against the background of this squalid catalogue of political repression that the Scotland-UN organization was formed last year to have the matter of the government of Scotland raised at international level. From small beginnings it has grown to have the direct support of more than 1,200 Scots, many of them in leading positions in the academic, industrial, professional and administrative spheres, in Scotland and elsewhere in Europe and the world.

An initial submission was made to the United Nations Organization in September 1979, and this has now been accepted for consideration by the UN Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The grounds are that the above record constitutes "a consistent pattern of

gross and reliably attested violations of human rights requiring consideration by the Commission", that it constitutes racial discrimination, and that all possibility of a domestic remedy has now been exhausted. The Scotland-UN Committee have in addition already circulated the EEC Governments, and are preparing a number of other initiatives, including a direct appeal to the United Nations General Assembly and all member governments individually.

The British Government have been successful in damping down media coverage of the acceptance of the case by the United Nations, but the significance of the situation will not have been lost on the members of the Council of Europe. The case against the British Government in the United Nations is so utterly damning, without a single redeeming feature, that there is simply no defence available to them.

The actions of the British (i.e. English) delegation to the Council of Europe's recent conference in Strasbourg must be seen against this background. It was a blatant piece of manipulation of the Council's authority and prestige for London's political ends. Faced with an indefensible case before the world organization, the British Government wanted to strengthen their hand by getting the Council of Europe's stamp of authority on an internationally approved conclusion that no decentralization of legislative power is desired or necessary within the United Kingdom.

It goes without saying that we of the Scotland-UN Committee invite the member Governments of the Council of Europe to reject out of hand any contention that there is no desire for self-government in Scotland. Indeed, we would invite them to go further. Scotland is one of the most ancient nations in Europe, with more than a thousand years of shared experience, during which the Scots have lived within the bounds of their present national territory. Scotland has its own distinctive history, and its own legal and educational systems, national Church, and many other institutions, while its world-famous traditions in dress, music, architecture and other cultural matters are completely unique.

The ancient Scottish crown jewels in Edinburgh Castle testify to the existence of one of the oldest monarchies in the world. The Parliament House in Edinburgh, built in 1632, indicates the country's lengthy tradition of democratic government in a national Assembly for which a chronicler used the word "parlament" as early as the year 1174, almost certainly the first-ever use of the expression to describe a deliberative Assembly. On an international scale, Scotland is one of the few custodians of Europe's ancient Celtic heritage, whose preservation is a matter which concerns all the peoples of the Continent.

Yet all this is in acute danger of being lost for ever if the present orgy of mindless, materialistic destruction is permitted to continue unchecked. Institutionalised lawlessness and licensed anarchy are the order of the day for a ruling establishment who have not the remotest conception of the meaning of the rule of law, as this is understood in states with orderly and civilised constitutions.

We in Scotland are defending ourselves as best we can, but with the best will in the world we cannot do it entirely unaided. We must appeal to the international community to come to our assistance, and this appeal must be particularly directed to the members of the Council of Europe, concerned as they are with the preservation of cultural identity.

We Scots have every desire to play our full part in European and world affairs. We strongly resent being cut off from direct contact with the rest of the world as we presently are. And above all, we see no reason why we should be prevented from taking decisions on our own affairs by base corruption without a single rational reason behind it. We have every national institution in our land except our own legislature and government, and it is the lack of these perfectly normal institutions which is the root cause of most of our ills.

This is our aim, and to this end we appeal to the peoples and governments represented in the Council of Europe to come to our urgent assistance, to use every means at their disposal to put an end to the present state of illegality in Scotland, and to restore to the Scots their rightful place among the nations of Europe and the world.

For and on behalf of the Scotland-UN Committee

JOHN McGILL,
Secretary.