

THE SCOTTISH CONSTITUTIONAL CONVENTION 1992-5

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INTRODUCTION

The Scottish Constitutional Convention was established in 1989 to engineer a compromise package on devolution amongst a range of Scottish political parties and interests. After six years of debate, the Convention has now released its final package of proposals which will form the basis of legislation to be placed before the House of Commons in the first year of the next Labour government (Scottish Constitutional Convention 1995b). Whilst the Convention attracted some academic attention from its formation in 1989 until the general election of 1992 (Deacon 1990, Kellas 1992, Mitchell 1991) there has been no assessment of the Convention's activities over the last three years. This article is intended to cover the historical gap in the life of the Constitutional Convention whilst also providing an analysis of the work and achievements of the Convention since 1992.

The first three years of the life of the Convention took place against a background of intense partisan conflict between Labour and the SNP, particularly because the nationalists left the Convention in 1989. The Convention partners were able to agree the principles of an initial devolution package in 1990 (Scottish Constitutional Convention 1990) but were unable to deal conclusively with a range of issues such as the electoral system for a Scottish parliament before the 1992 general election. Since 1992, the Convention has undergone difficult times. Initially, it was eclipsed by a range of new political organisations committed to building grassroots support for constitutional change. For much of the time in 1992-3, the Convention barely

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functioned. After it was re-established in 1993, its deliberations were dominated by complex political questions that had not been satisfactorily resolved in the first three years of the Convention's life, such as the electoral system for a Scottish parliament, the issue of gender balance and the constitutional relationship between a Scottish parliament and Westminster.

There are several important issues to address in relation to the development of the Convention in the period 1992-5. Because the Convention is open to a number of differing interpretations it is necessary to try to place it into an interpretative framework. In addition, because the overall activities of the Convention in 1992-5 have not been subject to academic examination, there is a need to provide an historical account of the Convention in this period. It is also important to consider the contemporary development of the Convention in three areas. First, there is the nature and substance of the final Convention package agreed in 1995. How does it compare with the previous proposals advanced by the Convention in 1990? Second, it is useful to consider the Convention process itself to determine how the institution has operated. Finally, some account has to be taken of the changed political context that has accompanied the Convention's deliberations with the advent of New Labour and the Conservatives' determination to prioritise the Union as a line of attack against Labour, using arguments about the slippery slope to independence and the tartan tax.

INTERPRETATIONS OF THE CONSTITUTIONAL CONVENTION

Despite its consensual nature, the Constitutional Convention has been a controversial and problematic institution open to numerous interpretations. Observers of political parties have noted that they often have both 'official' and 'unofficial' goals (Panbianco 1988) and we can identify a similar feature in the Constitutional Convention. Officially, the Convention has functioned to design a package of measures for Scottish Home Rule but, at the same time, many of the Convention participants have had unofficial goals within the Convention related to more partisan motives.

Four different interpretations of the Convention are presented here with some degree of qualification. It is not intended to present an exhaustive list of differing interpretations of the Convention nor present the Convention in simple 'good' or 'bad' terms. The Convention has been a multi-faceted institution involving a variety of complex political actors. Identifying differing interpretations of the Convention is intended to illustrate the

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complexity of the organisation and enable observers to gain an understanding of its work.

Positive Interpretations

A positive interpretation of the Convention would stress the Convention's achievement in producing a compromise scheme for constitutional change among a wide range of political and organisational interests. It would involve recognition of the Convention's ability to reconcile the quite different constitutional preferences of the Labour Party and the Liberal Democrats in order to produce a package that was an advance on the Scotland Act (1978), whilst also gaining support from trade unions, local government, the churches and a wide range of voluntary organisations. The fact that the Convention had addressed difficult issues such as electoral reform helped to lend credibility to the Convention's scheme, by, for example, undermining popular perceptions that devolution would lead to a Scottish parliament dominated by central belt Labour politicians. The Convention could also be viewed as an opportunity for Labour to reaffirm and improve its policy on devolution, through putting its support for devolution in the shop window and making some aspects of its policy negotiable with other political organisations - something which contained an element of risk despite assumptions of Labour's numerical dominance within the Convention. Such practices, alongside the wide representation of interests within the Convention, would allow the institution and its practices to be seen as an exercise in democracy, pluralism and consensus politics.

Sceptical interpretations

A more sceptical interpretation of the Convention would focus on the motives of some of its participants. It could be seen as yet another response to the rise of nationalism, designed to deflate support for the SNP. A more subtle sceptical view would see the Convention as an exercise in agenda management practised by the Labour Party in particular, with the intention of controlling the political agenda to protect devolution as a constitutional option and compete with the SNP's option of independence in Europe. Scepticism about the Convention need not deal merely with motives; it can also deal with the overall outcome of the Convention. There have been conventions before 1989 and there may well be constitutional conventions in the future. This convention may succeed in designing a home rule package but that does not mean that it will actually be implemented: this eventuality

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would require the election of a Labour government which was committed to devolution anyway.

Partisan Interpretations

Though the Convention may have been presented as a cross-party institution motivated by a desire to achieve a non-partisan goal by consensual means, party political considerations were never far away from the Convention process. Such considerations were paramount at the time of the Convention's formation with competition between the opposition parties to play the Scottish card (Mitchell 1991, p.19) and they continued to be influential throughout the life of the Convention with both Labour and the Liberal Democrats using the Convention against the Conservatives and the SNP. From the SNP's perspective the Convention was a trap - a Labour-dominated institution which was designed as a specific response to the Govan by-election and independence in Europe platform. The Convention was also an opportunity for Labour to present itself as the promoter of Scottish interests, an activity also evident in its change of name in 1994 (from Labour Party in Scotland to Scottish Labour Party) and willingness to emphasise Scottish issues. The Convention was also an opportunity for the Liberal Democrats to act as improvers in the process - to seek a devolution package that addressed electoral reform, and the need for a strong, tax-raising parliament, and which moved Labour further away from the Scotland Act (1978).

Pressure Group Interpretations

A number of interests sought to use the Convention as a political opportunity structure to promote their own particular concerns. The most prominent examples of this phenomenon involved the Scottish Liberal Democrat's attempts to have the Convention adopt proportional representation for elections to a Scottish parliament (Waddell and Gorrie 1991, Scottish Liberal Democrats 1994), though the party was accompanied in this endeavour by other organisations. Similarly, both local government and the women's movement had specific interests to pursue in the Convention. Local government has been much more involved in contemporary debates on devolution than in the 1970s. It sought to secure its autonomy in the context of a Scottish parliament and its success in this area was not surprising given the large local authority membership in the Convention. A range of women's organisations also operated to promote the issue of gender equality through the medium of a Scottish parliament (Levy 1992, Brown 1995). Both of these examples demonstrated that some of the participants in the Convention had

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specific issues or demands that they wished to promote, with the effect of turning the Convention into a forum for pressure group activity.

THE CONVENTION IN ECLIPSE 1992-3

The Constitutional Convention had entered the 1992 general election in a confident mood. Whilst the Convention partners had not succeeded in designing a complete devolution plan, there had been agreement in a number of areas and an expectation that a Labour victory in 1992 would see the Convention scheme rapidly implemented. However, the election result seriously undermined the Convention. Not only was there little hope of constitutional change after the Conservative victory, but it was difficult to see the Convention playing any significant role. Its task had been to gain agreement for a package of measures to establish a Scottish parliament. Though it had not completed this task, the Convention did not easily find a role for itself after the general election because the result caused a good deal of disillusionment.

Whilst the Convention slipped into the background, other organizations and demands dominated constitutional politics. New political organisations such as Common Cause, Democracy for Scotland and Scotland United developed very quickly after the 1992 election and sought to generate grassroots pressure for constitutional change and a referendum rather than operate as an elite forum to draft a devolution package. The political activity of these new bodies in organising demonstrations, vigils and petitions offered a significant contrast with the Convention's modus operandi and its concern for achieving elite rather than popular support for its proposals - on the assumption that opinion polls prove that there has been a substantial consensus in favour of devolution since 1979. What was significant about the new Home Rule organisations was that they ignored the Convention (and indeed the parties to some extent) in order to develop grassroots networks, with an emphasis on popular participation, and promoted the demand for a referendum on constitutional change leading up to the European Council summit in Edinburgh in December 1992 when these groups organised a demonstration involving some 30,000 people. This event was the high point of grassroots mobilisation over constitutional change. Whilst the new organisations had developed in spite of the political parties, the effect of the demonstration and the Democracy declaration which was issued there was to push the issue of constitutional change back into the party sphere. In early 1993, the Scottish opposition parties launched a series of discussions aimed at developing a

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consensus approach to pressure for constitutional change and a united response to the government's 'taking stock' exercise (Scottish Office 1993).

Reconciling the opposition parties was not an easy task. Various discussions took place over the appropriate mechanism for cross-party co-operation, but agreement could not be reached. Labour proposed that the SNP join the Convention on the understanding that it would not be held to existing agreements contained in **Towards Scotland's Parliament**. This proposal was always entirely unrealistic. Not only were the SNP not willing to join the Convention but the Liberal Democrats were sceptical about attempts to resuscitate it. The party had become disenchanted with the Convention after the 1992 general election, partly because of the perception that it had been electorally damaged by identification with Labour at the general election - the Gordon factor (after Malcolm Bruce's previously safe seat, which nearly fell to the Conservatives) - but also by scepticism over what the Convention could actually achieve. The combined impact of the election, the EU summit demonstration in Edinburgh and the collapse of inter-party talks in early 1993 led the SLD to question the continued role of the Convention as a suitable forum to advance Home Rule. The party leader, Jim Wallace, sought to put the Convention into 'cold storage' in favour of a Scottish parliamentary council and campaign for a multi-option referendum (**The Scotsman** 19 March 1993). Neither of these proposals was acceptable to Labour, which was intent on re-instituting the Convention and reasserting control over the Home Rule agenda. The route towards re-establishing the Convention as the primary forum for discussion of Home Rule required some means to break-off inter-party talks - and particularly a means that involved undermining the role of the SNP. Labour was able to achieve this goal by exploiting the SNP's decision to support the Conservatives on one clause in the Maastricht Treaty debates (Jones 1993). Labour's then Shadow Scottish Secretary, Tom Clarke, used the SNP's decision as a means to galvanise support at Labour's Scottish conference to abandon difficult trilateral talks between Labour, Liberal Democrats and the SNP - in which Labour was under pressure from both the nationalists and the SLD - and to return to the less problematic forum of the Constitutional Convention.

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The difficulty with re-establishing the Constitutional Convention in 1993 was that the body had run out of steam. It had not published proposals since 1990 and had been unable to gain agreement on a range of important questions.

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The way out of this impasse involved the creation of the Scottish Constitutional Commission. The Commission was an independent body established by the Convention executive in 1993 to consider a range of problem issues which had not been resolved by the Convention and to produce policy recommendations for the Convention. There were three distinct areas in which the Commission was to focus its attention: the electoral system for a Scottish parliament, the issue of gender and ethnic minority representation and the relationship between a Scottish parliament and the UK constitution. The Commission met 12 times between its formation and the publication of its recommendations in October 1994, with sessions devoted to discussion, consideration of oral and written evidence and analysis of a special questionnaire to judge views on the issue of gender representation. In each of the areas of its work, the Constitutional Commission operated within constraints, largely because of existing agreements between the Convention partners on the type of electoral system and the view of the Convention Executive that the number of MSPs should be limited (Scottish Constitutional Commission 1994, p.6).

The electoral system

The Commission accepted the Convention's proposals for some elements of proportional representation through the use of the additional member system and proposed it would operate through a double 'x' system in which voters would elect 72 MSPs by first past the post and a further 40 MSPs by voting for a party list organised by allocating five party list seats to each of Scotland's eight Euro-constituencies (Scottish Constitutional Commission 1994, p.9). This mechanism would have created a parliament of 112 members and the Commission recommended that the additional member system be operated as a corrective measure to ensure that the overall representation of a party reflected its share of the vote as closely as possible. The party lists for each Euro-constituency were also to be operated by the parties themselves, without an opportunity for voters to express support for individual party candidates on the list.

Provisions for gender balance

The Commission's proposals in the area of gender balance were quite weak compared to proposals from women's organisations for 50/50 gender representation (in which half the seats would be allocated to male candidates, and half to female). The Commission recommended a range of measures to make a Scottish parliament 'woman-friendly' in terms of working hours,

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parliamentary procedures and childcare facilities (Ibid, p.18-9), but was not able to gain agreement on the more difficult issues related to measures for positive discrimination in the electoral system - particularly because of divisions between Labour and the Liberal Democrats over the efficacy of positive discrimination. There was broad agreement in the Commission and in the Constitutional Convention as a whole that gender representation had to be addressed - though it is difficult to see who would oppose this idea - but the mechanics of achieving gender balance were problematic. The Commission did not support a 50/50 scheme or a statutory provision on political parties to field equal numbers of male and female candidates, but proposed that the parties in the Convention sign a common Statement of Intent over the representation of women and ethnic minorities and produce target figures for achieving more equal representation (Ibid, p.20).

Constitutional Implications of a Scottish Parliament

The Commission supported measures to achieve Scottish representation in the European Union and protect the autonomy of Scottish local government but failed conclusively to resolve the issue of Scotland's constitutional relationship with Westminster and the possible entrenchment of a Scottish parliament. The Commission ruled out tackling the West Lothian question through a reduction in Scottish MPs at Westminster and placed its faith in the problem being resolved by devolution to the English regions with the 'dynamic process of constitutional change and decentralisation' making a reduction in the number of Scottish MPs at Westminster unnecessary at this stage (Scottish Constitutional Commission 1994, p.25) - a dubious expectation as subsequently became clear when Labour weakened its commitment to regional assemblies in England. The Commission did attempt to address the issue of entrenchment by suggesting that the founding legislation for a Scottish parliament contain clauses which would prevent the parliament being abolished without its consent and the agreement of the Scottish people at a referendum or general election (Scottish Constitutional Commission, p.30).

The Scottish Constitutional Commission was a partial success. It had been created to give deeper consideration to issues which could not gain agreement amongst the main Convention partners but failed to resolve all of these issues satisfactorily. The effect was to push these problems back into the two main parties involved in the Convention for resolution. The utility of the Commission was that it provided an independent body which could do some of the Convention's thinking and determine which issues could be resolved in

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practical rather than political terms. Overall, the Constitutional Commission seems to have played a very conservative role and did not act as an effective problem-solving mechanism for the Convention. However, in a more positive light, the Commission did provide a forum for serious discussion of fundamental issues and created a situation in which the Convention partners had an agenda for negotiations or could agree to disagree on certain issues. Significantly, it also acted as a political lifeline for the Convention which was able to use the Commission to keep the show on the road and buy time to re-establish the Convention process.

THE CONVENTION'S PROPOSALS

The devolution proposals put forward by the Convention fall into two broad categories: the package of measures published in 1990, and the range of issues on which the Convention could not reach agreement which comprised the most recent Convention package in 1995. Mitchell (1991) compared the Convention's 1990 proposals with those of the Scotland Act (1978) and with the Labour Party's devolution bill presented in the House of Commons in November 1987. This comparison offered some understanding of the extent to which the Convention's proposals offered a more advanced scheme of devolution than previously - essentially whether the Convention process had produced a more radical plan for a Scottish parliament. What was evident from this comparison was that **Towards Scotland's Parliament** contained broad principles rather than legislative details. This pattern was followed in 1995, with the Convention's updated proposals characterised by broad commitments rather than details. The most fundamental issue to consider in relation to the most recent series of proposals agreed by the Convention is whether they represent an advance or retreat on the package agreed in 1990.

Powers and Responsibilities

The Convention's 1995 proposals did not extend the proposed powers and responsibilities of a Scottish parliament. The only changes involved the abandonment of a Scottish Monopolies and Mergers Commission, which was a suggestion rather than a concrete proposal in 1990, and the institution of the power of distributing proceeds from the National Lottery.

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Whereas the 1990 proposals had been filled with the language of regional decentralisation in England, the 1995 proposals ignored this issue but were strongly flavoured by the principle of subsidiarity. The 1995 document largely failed to deal with the issue of the entrenchment of a Scottish parliament as a result of the nature of parliamentary sovereignty at Westminster. The Convention suggested that entrenchment would be achieved through making the parliament popular and effective in Scotland and through inserting clauses into the founding legislation that would prevent Westminster from abolishing the parliament without consent. The Convention also took some notice of the necessity of resolving disputes between the Scottish parliament and Westminster, an important issue ignored in 1990. The House of Lords appellate committee and the judicial committee of the Privy Council were both identified as institutions to adjudicate disputes between Scotland and Westminster.

The European Union

Europe continued to be an area that exercised the Convention, which made some advance on its 1990 position through proposing to allow the Scottish parliament to lead UK delegations to the Council of Ministers on issues relevant to Scotland (Scottish Constitutional Convention 1995a, p.5), though it is difficult to see how this commitment can be put into practice in a non-federal system.

Representation

In the area of representation, the Convention's 1995 proposals did constitute an advance on the 1990 agreement. Issues of representation were only dealt with in outline in the 1990 package but were provided in much clearer detail in 1995. The new package proposed to establish a Scottish parliament with 129 MSPs, 73 elected by first past the post and a further 56 additional members elected proportionally on regional party lists (Scottish Constitutional Convention 1995a, p.9). This particular agreement made it unlikely that any party - most obviously Labour - would be capable of achieving a majority in a Scottish parliament, meaning that coalition politics would be the order of the day (see tables and projections provided by the Scottish Liberal Democrats (1995b)). The parliament would serve for a fixed term of four years and gender balance would be sought through a voluntary 'electoral contract' rather than a strict 50/50 scheme. The electoral contract

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committed Labour and the Liberal Democrats to select equal numbers of male and female candidates for elections to the first Scottish parliament, taking account of the first past the post and additional member systems and the winnability of seats (Scottish Constitutional Convention 1995b, p.23). The Convention also provided details of a range of parliamentary procedures to ensure democratic accountability and address some of the perceived failings of the Westminster system.

Finance

The financing of a Scottish parliament was the area which changed most from 1990 to 1995. In 1990, it was proposed that the Scottish parliament would receive the Scottish share of income tax and VAT where possible (Scottish Constitutional Convention 1990, p.16). This system for assigned revenues was replaced by an 'assigned budget', which was really just the existing block grant arrangement between the Scottish Office and the Treasury, as determined by existing expenditure commitments and the Barnett formula. This change kept the financing of a Scottish parliament within UK structures and continued the commitment to equalising public expenditure between Scotland and other parts of the UK. More significantly, the re-institution of Barnett-type arrangements removed a number of thorny financial and political problems: would Scottish VAT and income tax receipts have been enough to fund existing Scottish expenditure or would Scotland have had to rely on subventions from the Treasury, raising political difficulties over England subsidising Scotland's higher public spending? Though the Convention's 1995 arrangements reasserted Treasury control over expenditure, the Convention did not move away from the 1990 decision to enable a Scottish parliament to vary income tax by up to 3%, in spite of Labour's conservative attitude towards taxation and the Conservative's attacks on the 'tartan tax'.

PROPOSALS INTO PRACTICE

Whilst the Constitutional Convention has managed to agree a much more advanced scheme of devolution than the Scotland Act (1978), with an emphasis on tax-raising powers, extensive functional responsibilities and a commitment to limited proportional representation, there are several imperfections in the Convention scheme that may come back to haunt proponents of constitutional change. Most obviously, the Convention failed to find an answer to the West Lothian question involving the role of Scottish

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MPs at Westminster following the establishment of a Scottish parliament. Though the Liberal Democrats proposed a reduction in the number of Scottish MPs at Westminster as a solution to this problem, following previous practice in Northern Ireland in the 1920s and 1980s, Labour and the other Convention participants did not suggest any solution to the problem. Similarly, the role of the Secretary of State for Scotland in a devolved settlement was also side-stepped by the Convention, though the Constitutional Commission had expressed some scepticism about the long-term future of this post. It would be naive not to expect that these issues will be of crucial importance at the next general election and in devolution debates at Westminster if Labour wins the election (Crick 1995, Mitchell 1995).

In addition, one of the major problems with the scheme proposed by the Convention in 1990 and finalised in 1995 is that it is predominantly composed of general principles and aspirations rather than fixed commitments. There has always been some scepticism about the degree to which the Convention's proposals would actually be implemented, a scepticism most recently expressed by the Scottish Liberal Democrats at their one-day conference in Dunfermline in November 1995. The fact is that the Convention has produced a scheme that has some degree of consensus in Scotland but not at Westminster and that the consensus has not actually led to the drafting of devolution legislation, merely to an agreement on some of the principles which may contribute to the substance of any future devolution legislation. In the 1970s, the Government White Paper **Our Changing Democracy** (HMSO 1975), the Scotland and Wales bill and the Scotland Act (1978) were all drawn up by central government itself. The White Paper and first devolution bill were produced by the Cabinet Office under the guidance of Ted Short, the Lord President of the Council. The separate Scotland and Wales Bills were drafted by the Cabinet Office in conjunction with the devolution unit at the Scottish Office, under the guidance of Michael Foot and John Smith. Therefore, it will be Downing Street and Whitehall which actually provide the details of Labour's devolution bill, not the Constitutional Convention, an eventuality which has the potential to produce a far more conservative set of proposals than contained within the Convention package. Whether constitutional think-tanks such as the recently established Constitution Unit or the Institute for Public Policy Research can deal satisfactorily with drafting problems remains to be seen.

THE POLITICS OF CONSENSUS

The Convention partners always sought to stress that they were engaged in an exercise in consensus politics. Clearly, the two sets of proposals agreed in 1990 and 1995 could not have been achieved without compromise, nor without discussions not just amongst party leaders but amongst party members and activists. The Scottish Liberal Democrats debated their position in the Convention at their party conferences in 1994 and 1995 and had to gain final agreement on **Key Proposals For Scotland's Parliament** in November 1995. Labour also had to deal with Convention proposals at its 1995 conference in Inverness and launched a consultation exercise amongst its members over the size of the Scottish parliament in the summer of 1995. For both parties there were difficulties in keeping the membership on board, and dissident voices were occasionally heard. There were also press stories voicing party dissatisfaction with aspects of the negotiations and proposals.

Both of the parties involved in the Convention made compromises to achieve agreement as a result of pressure from other Convention partners and their own members. The Liberal Democrats made compromises on the nature of the electoral system. Having initially argued for the STV-plus system of proportional representation (Waddell and Gorrie 1991), the party accepted the institution of a mixed system comprising first past the post and additional members. The party also changed its mind on gender representation, though progress in this area was closely linked to electoral reform (Scottish Liberal Democrats 1995a). The Liberal Democrats also moved away from the use of assigned revenues to finance a Scottish parliament towards a financing system that resembled the existing block grant. Labour compromised on an electoral system for a Scottish parliament and moved away from first past the post to accept a system that would have a sufficient number of additional members to deprive Labour of a majority. Labour had sought 112 MSPs whilst the Liberal Democrats argued for 145 MSPs (Scottish Liberal Democrats 1995b), before both parties accepted 129 MSPs. Labour also listened to its own activists and womens' groups over the issue of gender balance, though the final Convention proposals did not accept the 50/50 proposal.

NEW LABOUR AND CONSTITUTIONAL CHANGE

The time period in which the Convention has operated has featured significant political developments that have had some bearing upon its work.

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Since it was established in 1989, the Convention has seen three Labour leaders, three Shadow Secretaries of State for Scotland and two SLD leaders. Each of these changes in personnel has had significance for the development of the Convention, though it is arguable that it was the new Labour leadership of Tony Blair that has been the most significant change of all. Both Kinnock and Smith appeared happy to allow the Constitutional Convention to get on with its work and allowed Labour negotiators to act relatively autonomously within the Convention. The Scottish Labour Party and Shadow Scottish Secretary were given a substantial degree of freedom over devolution and allowed a certain latitude in policy in Scotland. It is this factor which allowed the 1990 Convention proposals to appear as a 'unilateral declaration of devolution' (Mitchell 1991). The Convention benefited from a 'permissive consensus' over devolution within the Labour Party, which saw its main opponents over constitutional change as the SNP rather than the Conservatives. The result, in policy terms, was a strong set of principles for Scottish devolution that sat alongside a commitment to wider constitutional reform and the establishment of regional assemblies in England. We might consider this period as the high point of Labour's commitment to constitutional change, during which it was happy to allow the Constitutional Convention to define the party's position on devolution.

The combined impact of Labour's election defeat in 1992 and the election of Tony Blair as party leader in 1994 has been to place some constraints on Labour's devolution policy and on the party's willingness to allow the Convention a relatively free role in determining policy. New Labour's response was to tighten up its policy on devolution in order to make it less of a hostage to fortune - though it is arguable whether it has achieved this goal. Two factors have been influential in this process. First, there is an awareness that the Conservatives have used the devolution issue against Labour and that Labour's main opponents over constitutional change are the Conservatives not the SNP - especially because of perceptions that the next general election will be fought and won in middle England, not urban Scotland. Second, Labour has also become more cautious over devolution as a result of interpretations of the party's failure in 1992 and the impact of the taxation issue. The Convention's 1990 proposals for assigned revenues and the power of the Scottish parliament to raise income tax were controversial issues in the context of Labour's extreme caution over UK taxation levels, its determination not to appear as a tax-raising party, and its desire to keep Scottish public expenditure within UK structures (Young 1995).

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Throughout 1995 there were press reports and political rumours about Labour adopting a more conservative stance in negotiations over the final Convention package. Labour's policy reversal on English assemblies and proposals to change the financial arrangements of a Scottish parliament were viewed as threats to the Convention package and to the prospects of gaining an advanced scheme of devolution. Such rumours had some degree of truth, with the Convention moving away from financial autonomy and assigned revenues in favour of a block-grant system that resembles existing financial arrangements between the Scottish Office and the Treasury. Whilst these were signs of Labour's desire to tighten up certain parts of the autonomy package, they have not been as serious as media rumours suggested and the bulk of the Convention scheme has been negotiated and completed without many significant reversals compared to the 1990 package. The completion of the Convention's work has also been accompanied by personnel changes within the Labour Party that have some bearing on the devolution question. The appointment of Donald Dewar as Labour chief whip and John McAllion as Scottish spokesperson on the constitution had the effect of placing strong devolutionists in important positions within Labour's ranks.

CONCLUSION

A number of people have described the current Convention as historic, but one might ask how history will judge its efforts. The Convention has run from 1989 to 1995, and is not the first to try to achieve a measure of Scottish self-government (Mitchell 1991). Whilst it can be argued that the Convention has had a ratchet effect on the constitutional question, through committing Labour to an advanced scheme for devolution to be implemented within its first year in government (Kellas 1992), the Convention remains reliant upon the demise of a Conservative government in order to achieve its ends. Without a change in government, the Convention may appear as yet another unsuccessful institution within the long history of the Scottish national movement. Similarly, despite the fact that the Convention has been refining its proposals for devolution since the publication of **Towards a Scottish Parliament** in 1990, support for devolution has remained at a broadly similar level to the pre-Convention period. The Convention has not increased popular support for devolution, or made any noticeable dent in support for independence (McCrone 1994, 1995).

There are three additional concluding points that can be made about the Convention. First, it is difficult to see that the Convention has done enough to

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build support for devolution amongst the public, though it has managed to achieve a greater degree of elite and institutional consensus for its proposals (Lynch 1996). Second, the Convention has failed to find answers for some of the most substantial problems that will afflict devolution legislation in the House of Commons such as the West Lothian question - a failing which will be ruthlessly exploited by Conservative opponents of devolution in all debates over the constitutional question. Finally, there is the big question of whether the Convention has actually brought Scotland closer to gaining its own parliament. Proponents of the Convention will doubtless argue that it has, as it has made the election of a Labour government committed to devolution more likely, with Labour's support for devolution delivering electoral benefits in Scotland that will help propel Tony Blair into Downing Street. However, it can also be argued that Home Rule is now a real prospect because of events in British not Scottish politics such as the unpopularity of the Conservative government since 1992 and the attractiveness of Tony Blair and New Labour in middle England.

REFERENCES

- Brown, Alice (1995). 'In the Name of Democracy: The fight for Equal representation in Scotland'. Paper presented to the Political Studies Association annual conference, University of York.
- Crick, Bernard (1995). 'The Scotland Act 1998'. **Political Quarterly**. No.4, pp.237-49.
- Deacon, Susan (1990). 'Adopting Conventional Wisdom - Labour's Response to the National Question', in Alice Brown and Richard Parry (eds). **The Scottish Government Yearbook 1990**. Edinburgh: Unit for the Study of Government in Scotland.
- HMSO (1975). **Our Changing Democracy**. Cmnd. 6348. London: HMSO.
- Jones, Peter (1993). 'Playing the Westminster Numbers Game'. **Scottish Affairs**, number 5, autumn 1993, pp.26-40.
- Kellas, James (1992). 'The Scottish Constitutional Convention', in Lindsay Paterson and David McCrone (eds). **The Scottish Government Yearbook 1992**. Edinburgh: Unit for the Study of Government in Scotland.
- Levy, Catriona (1992). 'A Woman's Place? The Future Scottish Parliament' in Lindsay Paterson and David McCrone (eds). **The Scottish Government Yearbook 1992**. Edinburgh: Unit for the Study of Government in Scotland.
- Lynch, Peter (1996). 'Labour and Scottish Devolution: Securing Consensus and Managing Opposition', in J. Stanyer (ed). **Contemporary Political Studies 1996**. Glasgow: Political Studies Association.

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- McCrone, David (1994). 'Opinion Polls in Scotland May 1993-June 1994'. **Scottish Affairs**. No.8, Summer 1994, pp.125-35.
- McCrone, David (1995). 'Opinion Polls in Scotland July 1994-June 1995'. **Scottish Affairs**. No.12, Summer 1995, pp.141-150.
- Mitchell, James (1991). **Constitutional Conventions and the Scottish National Movement: Origins, Agendas and Outcomes**. Strathclyde Papers in Government and Politics No. 78. Glasgow: University of Strathclyde.
- Mitchell, James (1995). 'Pitfalls For Labour'. **Parliamentary Brief**. February.
- Panbianco, Angelo (1988). **Political Parties: Organization and Power**. Cambridge: Cambridge University Press.
- Scottish Constitutional Commission (1994). **Further Steps Towards A Scheme For Scotland's Parliament**. Edinburgh: Scottish Constitutional Commission.
- Scottish Constitutional Convention (1990). **Towards Scotland's Parliament**. Edinburgh: Scottish Constitutional Convention.
- Scottish Constitutional Convention (1995a). **Key Proposals For Scotland's Parliament**. Edinburgh: Scottish Constitutional Convention.
- Scottish Constitutional Convention (1995b). **Scotland's Parliament, Scotland's Right**. Edinburgh: Scottish Constitutional Convention.
- Scottish Liberal Democrats (1994). **Response to the Constitutional Commission**. Edinburgh: Scottish Liberal Democrats.
- Scottish Liberal Democrats (1995a). **The Electoral System and Fairer Gender Balance**. Edinburgh: Scottish Liberal Democrats.
- Scottish Liberal Democrats (1995b). **The Final Steps: Towards the Completion of the Scottish Constitutional Convention's Scheme for a Scottish Parliament**. Edinburgh: Scottish Liberal Democrats.
- Scottish Office (1993). **Scotland in the Union: A Partnership for Good**. Edinburgh: HMSO.
- Waddell, Ron and Gorrie, Donald (1991). **The P.R. Debate and the Constitutional Convention**. Edinburgh: Scottish Liberal Democrats.
- Young, Alf (1995). 'Who Pays the Piper?'. **The Herald**. 24 August 1995.

February 1996