

LABOUR'S REFERENDUM PLAN: SELL-OUT OR ACT OF FAITH?

Peter Jones

In the summer and autumn of 1996, the Labour Party managed an apparently impossible trick. It turned its support for the policy of devolution of Westminster power to a Scottish parliament, popularly backed throughout Scotland, into an electoral liability, and the object of derision by political opponents. The cause was a policy U-turn, that a pre-legislative vote of assent by Scots voters in a referendum would be required before the Labour government legislated for the parliament. What were the reasons behind this announcement? Are the accusations of a sell-out which greeted it justified?

DOUBTS AMONG FLOATING VOTERS

On Wednesday, 4 December 1996, the Scottish National Party published the findings of report compiled by System Three, an opinion polling company. It had been commissioned by the Scottish Labour Party to set up five groups of Scottish voters (two in Lanarkshire, two in Inverness, one in Dumfries, a total of 40 people) and report on their discussion of their attitudes towards the Labour Party. This technique, long used by the advertising industry to assess attitudes towards products, has become an important tool for political parties as it provides in-depth material which usually expands on the findings of standard opinion polls conducted at the same time.

The work was done 25-30 September and a report was sent to Labour Party officials on 16 October. Somehow, it fell into the hands of the Scottish National Party. It caused a minor sensation. The media, throughout Britain,

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fell on it eagerly, especially as the SNP published it on the eve of a speech by the Labour leader, Tony Blair, to a fund-raising dinner of businessmen in Glasgow. The report said that the focus groups felt unable to tell the difference between New Labour and the Tories, an impression heightened by Blair's middle class image. It said that Blair was identified with moving Labour to the right, and that the shadow Scottish Secretary George Robertson was believed to be instructed what to do by Blair. On devolution, the report said the groups felt that Labour was back-tracking on its pledge to set up a Scottish parliament and was not concerned with the Scots. They had less trust in what Labour said.

Some of these comments are not surprising as the groups consisted of a narrow sample of the electorate. System Three recruited people who had either previously voted Labour or SNP (Liberal Democrat in Inverness) but were now not committed to voting for either party. In other words, they were floating voters that Labour would be anxious to win over at a general election, but were found to be severely disenchanted with New Labour.

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More interesting is that the comments reflected the editorial line taken by the Scottish media throughout the row which engulfed the Scottish Labour Party for three long months after Thursday 27 June. At a press conference in Glasgow, Robertson announced a major change in party policy. After years of insistence by Labour that a general election resulting in the election of a Labour government would be a sufficient mandate for a Scottish Parliament, Robertson (flanked by the chief whip Donald Dewar, the shadow chancellor Gordon Brown, and the shadow foreign secretary Robin Cook, men who were all committed to devolution) announced that a second mandate was now required.

This would come from a referendum, to be held a few months after a general election. Unlike the ill-fated 1979 referendum, which was held on legislation passed by the House of Commons, this would be pre-legislative, held on proposals set out in a White Paper. Also unlike the 1979 poll, which required 40% of the total electorate to vote positively before the legislation was enacted, a simple majority of those voting would suffice this time. But much more controversially, the referendum was to have two questions, one putting the general principle of devolution, and another on the specific proposal to allow the Scottish Parliament its own tax-gathering power, which is currently envisaged to be the ability to vary the basic rate of income tax by up to 3p.

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The Scottish media reacted very badly. Their view had already been coloured by the fact that they had been scooped by **The Independent**, not through a deliberate leak to it as some believed, but by diligent journalism. Its political correspondent, Donald Macintyre, reported in a column on Tuesday 25 June that Blair was deeply worried by various elements of devolution and floated the idea that Blair was toying with a referendum to solve some of these problems. This prompted his editor, Andrew Marr, **The Scotsman's** former political editor and a believer in devolution, to spend much of Tuesday telephoning shadow cabinet members.

In a signed article the following day, Marr confidently predicted that Blair would soon announce a pre-legislative devolution referendum. He got some aspects wrong, forecasting that it would be a multi-option referendum where voters could choose between the Unionist status quo, devolution, or the Nationalist's independence package. But the broad thrust was correct - that a referendum was to become Labour party policy in order to defuse Conservative attacks on devolution.

The Scottish media spent Wednesday catching up. Their irritation at being caught on the hop was increased by Labour's initial attempts to deny Marr's story. The denials stopped at lunchtime, and briefings were held in the afternoon. On Thursday morning, **The Scotsman's** political editor, Ewen MacAskill, reported that a two-question referendum would be announced, and predicted that there would be a major backlash from members of the Scottish Labour Party and the Constitutional Convention.

The backlash from the media following the announcement was bad enough. An editorial in **The Scotsman** said bluntly that 'a referendum is *not needed and not wanted.*' (its italics) It denounced George Robertson's claim to authorship as 'scarcely credible' and opined that the second question on taxation was intended to ensure the abandonment of the power. Columnist Ian Bell said: 'The suggestion that all this is in the Scottish interest is ... several murky fathoms beneath contempt.'

An editorial in **The Herald** took a similar view, adding that a 'yes' vote to the main question but a 'no' vote to the second taxation question could 'emasculate' the parliament. Columnist Alf Young argued that New Labour was evidently afraid of devolution and said 'my suspicion is that those around Blair will breathe a substantial sigh of relief if the Scots vote "yes" to question one, but "no" to question two.'

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This attitude was maintained throughout the ensuing months as Labour leaders fought to maintain the referendum policy in the face of a revolt by influential Scottish party members. The revolt gave Blair the most serious problem a Labour leader has had with the Scottish party since 1975 when Harold Wilson forced it to adopt a devolution policy as a tactic to see off the SNP. The farcical convolutions that resulted from trying to quash the rebellion only served to reduce the credibility of both Labour's leaders and the referendum policy. The media barrage of criticism, sustained by internal Labour revolt and political opponents' exploitation of the disarray, led directly to the focus groups' opinions so damagingly leaked to the SNP.

GETTING THE LEGISLATION THROUGH WESTMINSTER

What persuaded Labour into this policy U-turn? At the Glasgow press conference, Robertson gave little explanation. **The Herald** reported him saying that it had been taken by a shadow cabinet committee:

Taking the Convention scheme as our starting point, we looked carefully at ways in which this could be implemented inside the timetable to which we were committed. I came to the conclusion that we had to go on the offensive, we had to break through the argument, to make sure that implementation was guaranteed.

He also explained that while a general election would be a mandate, it would not be a sufficient mandate for

a permanent, robust and secure Scottish parliament into the future. We will put it to the people so that those who claim there is no support for the creation of a devolved parliament will be proved conclusively and permanently wrong.

These clues as to the real purpose for the referendum move were, however, ignored in the dismay in the Scottish home rule movement that it meant at worst that Blair was trying to ditch devolution, and at best a delay in the oft-repeated Labour pledge to set up the Parliament in the first year of a Labour government. This promise was first made in the 1980s by Neil Kinnock when he was Labour leader. He made it after no discussion with his colleagues; indeed, the then shadow Scottish Secretary Donald Dewar, was astounded when he heard Kinnock make it in a television interview.

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Kinnock had no idea whether it could be implemented. Blair, however, was (and is) determined that whatever Labour sets out in its election manifesto should be capable of implementation so that a government led by him should not end after five years in the disillusion of unfulfilled expectations. He also wants changes made by his government to be permanent and not capable of being swept away by a later Tory government.

Kinnock also took little interest in the negotiations Dewar was holding in the Convention, being generally happy to accept the outcome. Blair took a different view, that the Convention package would have to be implemented by his government, which would be a government of the United Kingdom, concerned that what happened in one part would not damage another.

These two points are crucial. Kinnock's lack of interest played a part in allowing an assumption to take root in the minds of home rule enthusiasts that whatever was agreed in Scotland would be meekly accepted and turned into reality by a Labour government. John Smith's leadership and his oft-quoted declaration that a Scottish parliament was 'the settled will of the Scottish people' hardened this assumption.

Yet this ignores the experience of the 1974-79 Labour government whose devolution Bills were ambushed time after time. The bushwhackers came from Labour's back-benches, from the Tories and from the House of Lords. Its first Bill had to be abandoned, and its second was substantially altered. A hard fact of life had been forgotten: that in a UK parliament, a Bill for constitutional change in one part of the UK will be pored over for its impact on other parts. MPs from other parts who see disadvantage to their area will try to change or destroy the Bill. A Scottish devolution Bill will not have diplomatic immunity from amendment in the UK parliament.

Getting the package agreed by the Constitutional Convention through Westminster unscathed will be a herculean task. It is not impossible. Indeed, in a wholly un-noticed victory, Robertson had already succeeded in getting the Convention scheme past one UK hurdle already - the UK Labour Party.

In the summer of 1995, agreement on the final elements of the Convention scheme was proving difficult. One sticking point was the size of the Parliament. Both Labour and the Liberal Democrats were talking about a 145-seat parliament. On September 13, Robertson met Jim Wallace, leader of the Scottish Liberal Democrats, at the Edinburgh home of Menzies Campbell, Liberal Democrat MP for East Fife. They knew that 145 seats was too large. If applied to Britain, it would imply a 1600-seat House of Commons. This

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would be contentious in a devolution Bill. It could also reopen debate on the form of proportional representation to be used for electing the parliament. The additional member system had only been agreed with great difficulty. The two eventually settled on 129 seats - 73 to be elected by first-past-the-post in the existing Westminster constituencies (Orkney and Shetland to be divided), and 7 members to be elected from party lists in each of the 8 European constituencies. The over-ruling of the 145-seat option, however, rankled with some Scottish Labour elements.

This and other elements of the final package was to be approved by a meeting of the Convention on 30 November. But, first, Robertson had to get it accepted as Labour Party policy. Under reforms made by Smith and Blair, this is now done by Labour's national executive committee after consultation with a national policy forum elected by party members, with final ratification by the annual party conference.

Usually, the NEC, its policy committee and the policy forum expect to amend policy proposals. But, in this case, Robertson managed to persuade these bodies that they should accept the Convention package unamended. Ironically, the policy forum which agreed to this met in New Parliament House in Edinburgh on 19 November. It was only after this, and after the Convention package was signed and sealed amid much ceremonial at the Assembly Hall in Edinburgh on 30 November, and therefore became much more of a hard reality than before, that the shadow cabinet began to think in earnest about how it could become part of the Westminster legislative programme. Plans for a Welsh Assembly were not so advanced, and so similar thought was not given to it.

This work was delegated by Blair to the shadow Lord Chancellor, Lord Irvine of Lairg, a close friend of Smith and in whose law chambers in London Blair worked before entering Parliament. Irvine chaired a committee whose job is to ensure that a Labour government has a clear and workable legislative programme. Its composition changed according to the subject under discussion, but for the Scottish parliament it comprised Robertson, Donald Dewar (the chief whip), Ann Taylor (shadow leader of the House), Jack Straw (shadow Home Secretary), and Gordon Brown (the shadow Chancellor). Blair did not attend, but progress was reported to him by Pat McFadden, the committee secretary and a member of his staff. Blair also discussed its findings with John Prescott, deputy leader, and Robin Cook, shadow foreign secretary.

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It considered how devolution could fit into the legislative time-table, what problems might be forecast and how to overcome them, what difficulties a Labour government might expect from its own back-benches, and so on. The experience of those involved with the devolution Bills of the 1970s was sought, including that of Harry (now Lord) Ewing, a Scottish Office minister in the 1970s.

The committee's existence was kept secret as its job was to discuss ideas ruled out by existing party policy. For example, it tried to find ways to answer the West Lothian Question - the problem that after devolution, a Scottish MP could legislate on English domestic matters, but could not legislate on similar Scottish matters. Labour's policy is to ignore the problem. The committee looked at whether an English Grand Committee, mimicking the Scottish Grand Committee, could fill the gap, but concluded that after years of pooh-poohing the Scottish Grand, this would have no credibility. It considered a quasi-federal system for Britain, but decided that few English MPs would vote for it. It thought about cutting the number of Scottish MPs at Westminster to deal with Scottish over-representation at Westminster, but concluded that this still left the basic problem unsolved. In the absence of a convincing solution, it was decided to leave the question simply as a consequence of devolution and to rest the argument for so doing on the sovereignty of Parliament - that if Parliament chooses to exercise some of its powers over Scottish affairs by devolving them to another legislature, it is entitled to do so.

The Irvine committee's priority then became how to get the devolution Bill through Parliament. A report published in April 1996 by the Constitution Unit, a group of academics and former civil servants, showed just how difficult this would be. It said that any Government has about 400 hours of Commons parliamentary time per session (or year). Constitutional Bills usually take up 100-200 hours. A Government could expect to get one (at a push, two) constitutional Bills through each session.

Labour is committed to a heavy constitutional programme: Scottish devolution, Welsh devolution, (perhaps) Northern Irish devolution, House of Lords reform, freedom of information laws, bringing the European Convention on Human Rights into British law, (perhaps) a Bill of Rights, English regional government, parliamentary procedural reform, a referendum on electoral reform, then (perhaps) electoral reform. To this list can be added a referendum on a single European currency, and (perhaps) single currency legislation, plus further contentious European legislation.

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Given all Labour's other priorities - legislation on health, education, criminal justice, minimum wage, the social chapter, railways, a Budget every year, and so on - the scope for legislative overload when half of the available time is used by constitutional Bills was all too obvious to Irvine and his committee.

This is particularly the case with Scottish (and Welsh) devolution. In the Commons, the Scotland and Wales Bill of 1977 took up 124 hours before it had to be abandoned after the Labour government lost a vote to guillotine (that is, impose a deadline on) the discussion. The Scotland Act of 1978 took up 158 hours and the Wales Act 1978 occupied 107 hours.

If anything, the signs are that a Scotland Bill 1997 will be even more difficult to pass. The Scotland Act 1978 had 83 clauses and 17 schedules. The government had to accept 170 amendments, 29 of which were key concessions. By comparison, the European Communities (Amendment) Act 1993, which ratified the Maastricht Treaty, started with just three clauses and no schedules. Yet it took 185 hours of Commons time and 90 hours in the House of Lords.

The enormity of the parliamentary task ahead was underlined to one of the groups of front-benchers who, since autumn 1995, have been attending courses at Templeton Management College, Oxford. These are designed to prepare Labour's team, nearly all of whom have no experience of government, for the job they aspire to do.

In the course, the MPs split into smaller groups which worked on turning a policy into legislation, complete with the necessary time-tables and relevant consultation processes inside and outside government. One such working group comprised Robertson, his front-bench team of John McFall, Helen Liddell and John McAllion, and two members of Ann Taylor's team, Jeff Rooker and Eric Martlew. At and between their two sessions at the college, on 29-30 April and on 20-21 May, they prepared a plan for a Scottish devolution Bill.

The final presentation was by Jeff Rooker. To the dozen or so front-benchers present who were MPs from England and had never given much thought to devolution, it was apparently a revelation. The sheer size of the Act required, the amount of ministerial and civil service time that would be consumed just in preparation, the size of the bite it would take out of the government's legislative time, took them aback.

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A REFERENDUM

The question of a referendum was not discussed by this group. It had, however, already been debated by Irvine's committee, grappling with the problem of how to get a large legislative programme through Parliament. This has been faced by a previous Labour Government.

In 1945, under Clement Attlee's premiership, Labour had a heavy programme of nationalisation and welfare legislation. The solution was to set up the Standing Committee system whereby the committee stage of line-by-line examination of a Bill would be taken by a committee of 16-50 (but usually 18) MPs, instead of by the whole House sitting as a committee. As up to 10 Standing Committees may be sitting simultaneously, the time available for legislation was greatly increased.

However, this reform excluded constitutional Bills, which still have to be considered by a committee of the whole House. This greatly increases the scope for MPs opposed to all or part of a Bill to raise amendments and extend the debate. A government can cut it short by guillotining debate (the Single European Act 1985 was guillotined after three days debate), but motions to do so are usually fiercely resisted as undemocratic. They would also undermine a Labour Government's claim to be engaged in democratic reform.

One option would be to make parliamentary reform, aimed at allowing committee discussion of constitutional Bills, the first priority. But such a Bill would have to be considered under the existing procedures. It would be bitterly contested. Opponents of any one of the constitutional measures intended to be speeded by parliamentary reform might ally to defeat it. It would delay devolution legislation by at least a year.

It is in this context that the case for a referendum began to be considered by Irvine's committee. Labour supports the present government's plan that any Northern Ireland political settlement, which will include a devolved assembly, should be subject to a referendum of Ulster voters. Its plan for English regional government also says that a regional referendum must precede legislation to set up an assembly. Labour's refusal to consider a Scottish or Welsh referendum looked odd against this background.

Robertson was grilled on this point by John Humphreys in an interview in BBC1's 'On the Record' programme on 12 November 1995. Robertson stuck to the party line, but later his researcher, Alasdair McGowan, suggested that Labour should consider a referendum prior to the devolution legislation as a

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way of clearing the ground. Robertson did not respond as McGowan was not then aware of the existence of Irvine's committee. However, he did propose it later to the committee.

Assuming that the general election was to be held in spring 1997, the committee was aware that several months would elapse before a devolution Bill could be introduced to the Commons. This is because an opposition has no access to the parliamentary draftsmen who write the legalese for Bills. They can only be instructed to write Bills by officials of a government department. Writing a Bill is not a simple matter. It took 30 civil servants 33 months to write the Scotland and Wales Bill 1977. Although much of the Scotland Act 1978 is still available, the Convention's package differs from it in major ways and so it would be autumn 1977 before a Bill could be introduced.

That time could be used to get a referendum Bill through Parliament. As it would have few clauses, debate on it would be short (the European Communities Referendum Act 1975 had six clauses and took up 32 hours of Commons time and six hours in the House of Lords). If the election was on the last conceivable date, 8 May, June and July could be used for the referendum legislation, and a mid-September polling date would allow a six-week campaign. Assuming a 'yes' vote, the legislation could still be introduced in mid-October.

There were several good reasons for a pre-legislative referendum. One was the likelihood that a referendum would be forced on the government anyway by an amendment to the legislation. This was what happened to the 1978 Act, with additional hindrance that the 40% threshold was introduced by devolution opponents.

Irvine's committee recognised that debate on the Bill would be dominated by assertions that there was no evidence that devolution was wanted in Scotland. The committee had no illusions that there would be no opposition from Labour's back-benches. The Tory whips had failed to prevent up to 26 Tory MPs from voting against their government on the Maastricht Treaty Bill within a year of the 1992 general election; Labour could have as many rebels on a devolution Bill. (Tam Dalyell, MP for Linthligow, and Ian Davidson, MP for Govan, had independently indicated support for a referendum already.)

Even if the need for a referendum was not inserted by the Commons, Robertson's experience on the Maastricht Treaty Bill had taught him that the

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House of Lords would also press the case for a referendum. Given that the Lords has a built-in Tory majority, and that the Lords, with an eye to blunting Labour's plans to abolish hereditary peers' voting rights, would be anxious to assert their own claims to be defenders of democracy, Irvine's committee decided that the insertion of a referendum requirement by the Lords was a strong probability. Deleting the referendum in the Commons would not only be difficult, but would cast a bad light on a government claiming to be bent on democratic reform, especially as the last such referendum, in 1979, had shown Scottish voters to be lukewarm about devolution.

Irvine's committee decided that the arguments for a pre-legislative referendum were overwhelming. It could be held when the new government had done little to generate hostility which would cause electors to vote against it rather than on the issue itself. The 1979 referendum was held at the end of the 1974-79 Labour government which had become immensely unpopular. It would be better for a Blair government to hold it on its own terms rather than on terms dictated by devolution opponents after hours of precious legislative time had been consumed. It would also give the government strong grounds for guillotining debate and preventing back-bench rebellion.

The case for a second question on taxation powers arose out of discussion on the weak points in the Bill which would be subject to the strongest attacks, both in the election campaign and in parliamentary debates on the devolution Bill. That, quite clearly from the Tories 'tartan tax' campaign, would be the taxation power. Although the polling evidence suggested that this was having little effect, the evidence from the Tories 'tax bombshell' campaign at the 1992 election was that the 'tartan tax' campaign could have a crucial effect in the late stages of an election. Some felt that the Tories would use it in England as 'evidence' that Labour was going to impose taxes on English voters.

In addition, the committee could not be certain that, in opposition, the Tories would fail to delete the taxation power from the Bill. Though there are signs that Tam Dalyell, MP for Linlithgow, would be an isolated Scottish rebel, there are between four and six Welsh Labour MPs who might see an advantage in deleting the Scottish parliament's taxation powers in order to prevent the Welsh Assembly, which is planned to have no taxation powers, from seeking to acquire them later. If the taxation power survived the Commons hurdle, it might well fall in the Lords.

The committee discussed several options. These included not allowing the parliament to use the taxation power until after the second set of elections had

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been held; or specifying that a vote to use the taxation power would require a two-thirds majority in the parliament. But Robertson argued that this would change the Convention scheme. He proposed a third option, a second question on the taxation powers.

This would maintain the integrity of the Convention scheme and, the committee agreed, would allow Labour to say in the election campaign that taxation was not going to be imposed on anyone, removing the issue from the campaign. If the referendum vote was in favour, it would also underpin the taxation powers for years to come, and help prevent a later Conservative government from trying to kill the Scottish parliament by gradually eroding its powers, beginning with the taxation power.

ANNOUNCING THE DECISION

Though Blair knew of the committee's thinking, the first opportunity that he had to discuss it with Robertson was on Friday 15 March, when Blair accompanied the Prime Minister, John Major, to the scene of the massacre at Dunblane Primary School. Blair had stayed the previous night at Robertson's home. Blair had agreed with Major that he would not appear in public until Major arrived in Dunblane. To take their minds off the horror of the defiled school gym they were to see later, Robertson put to Blair the committee's conclusion that a pre-legislative referendum could solve a lot of devolution problems.

Blair agreed, and the problem then became how to announce the change of policy. Both knew it would cause a huge controversy. There was no easy way to do it. If, for example, a back-bencher was to raise the possibility in a speech, Robertson would have little option but to deny it. If he did otherwise, a campaign against a leadership 'sell-out' in Scotland could be impossible to stop. His only formulation, he decided, would be to continue to say that a general election was a mandate to proceed with a Scottish parliament, and then to add, when the announcement was made, that it was not however a sufficient one. This was manifestly sophistry which did nothing to defuse the inevitable outburst. Meantime, however, secrecy was maintained.

Irvine's committee finished its work and was wound up at the beginning of June. Private discussion amongst the shadow cabinet members involved continued, but some were surprised to be pressurised by Blair for a final decision on the referendum in the preparation of **The Road to the Manifesto** document, eventually published as **New Labour, New Life for Britain** with

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a Scottish version **New Labour, New Life for Scotland**, on 8 July. This had to be approved by a meeting of Labour's NEC on 2 July. Blair chaired a meeting of Prescott, Robertson, Dewar, Taylor, Straw, Brown and Cook at the Commons on 24 June. Some were against including the referendum plan, arguing for leaving it until September and getting endorsement of it by the annual conference in October in Blackpool. Blair flatly refused. He argued that Labour could not present this document as its bottom line, and then announce later that there was a new bottom line. To do so would be to undermine the integrity of both the document and the way he was presenting himself as a leader whom the public could trust. Opponents would ask, as would party members who were being asked to vote on the document as a preliminary manifesto: what other hidden surprises did Labour have for an unsuspecting public?

Robertson, however used this argument to secure an important concession from Blair. If this was to be Labour's bottom line, then the Convention package had to be part of it, unamended. This was difficult for Blair. As Donald Macintyre reported in **The Independent** in an accurate leak the following day of the meeting's substance:

unlike many home rulers, [Blair] doesn't dismiss outright the West Lothian Question famously raised, again and again, by Tam Dalyell during the fateful passage of the Scotland Bill in 1977-78. If Scottish issues were to be decided in an Edinburgh Parliament, what right would Scottish MPs have to debate and vote in the House of Commons on legislation that concerned only England and Wales? Blair is almost certainly conscious that one trick the Tories are planning is to make a combination of the two problems - tax powers and the West Lothian question - converge on the single figure of Gordon Brown, the Shadow Chancellor. What right, they will ask, has Mr Brown, a Scottish MP, to fix as Chancellor tax levels for England and Wales which may not be, because of the Scottish Parliament's tax-raising powers, the final rates for his own constituents in Dunfermline East?

But, despite his misgivings about the West Lothian Question, Blair had to accept that Irvine's committee had failed to find an answer. And in view of the task he was asking Robertson to undertake, he accepted also that he had to take the Convention package as a whole. The concession was important to Robertson, but it was not one which he could crow about, or even allude to.

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The meeting planned that Robertson would announce the referendum plan in Glasgow on Thursday. Ron Davies, the shadow Welsh secretary, was to make a simultaneous announcement in Cardiff. Ironically, although he had not been a party to the Irvine committee discussions, he had always supported a referendum for the Welsh Assembly. The plan was to keep the proposal under wraps, and spend Wednesday selling it to key people. This was scuppered by the leak to the **The Independent**, demonstrating to Robertson the correctness of his assessment that the moment knowledge of the proposal spread beyond Irvine's committee, it would leak out.

This was scant consolation to Robertson as it cost him the resignation of his front-bench spokesman on constitutional affairs, John McAllion. He had been told on Tuesday night to expect a big announcement. But on his way on Wednesday to London for a meeting of the front-bench team, he learned what it was from the Scottish Liberal Democrat leader Jim Wallace whose thoughts on the plan as portrayed in **The Independent** had been sought by a radio journalist. Sir David Steel, co-chair of the Convention, complained that Robertson had never bothered to mention it to him when he sat next to him on a plane to London on Monday. Lord Ewing quit as the other co-chair, fuming that Robertson had not told him when they travelled into London together the same day. The Scottish Trades Union Congress was enraged that Robertson had assured them on Wednesday that media reports were inaccurate, which was an economy with the truth.

The Scottish media, who were never briefed about the Irvine committee, assembled Robertson's previous quotes on the lack of a need for a referendum, and concluded that the policy had been foisted on him by Blair. So did many Scottish Labour activists, mainly those on the Scottish Labour Action nationalist wing and those on the left-wing already disaffected by Blair's New Labourism and the re-writing of Clause Four of the party's constitution. They smelled a sell-out, especially of the taxation power.

After delivering a speech on the referendum in Edinburgh on Friday, Blair spent an unprecedented three hours debating the plan at a hastily-convened meeting of the Scottish Labour executive committee. He planned to be there for an hour only. But uncowed by the presence of the leader, opponents of the referendum dug their heels in. The first vote, endorsing the two-question referendum, was won by only 16 votes to 12 after a concession that the executive would be consulted on the wording of the taxation question. A second vote went through more comfortably 20-4.

SCOTTISH LABOUR'S RESPONSE

According to rules instituted by Labour left-wingers in the 1980s, this decision should not have been open to further discussion for three months, when there could only be further debate if two-thirds of the executive voted to re-open it. But so furious were the opponents, they ignored the rule, arguing that the matter was out to consultation with the membership in the **Road to the Manifesto** document and should be debated when the consultation was finished. The dissidents had grudgingly accepted that there was going to be a pre-legislative referendum, but in pamphlets and at constituency meetings they fought for it to be a single-question referendum, arguing that the second question would get a 'no' vote, emasculating the parliament.

In fact, the consultation showed a majority of the party's Scottish membership favoured the leadership's two-question plan. But this did not deter the dissidents at a meeting of the Scottish Labour executive committee on 31 August. The absurd nonsense which emerged from this meeting resulted from the determination of two groupings - one of Blair loyalists, the other from the left and Nationalist wings - not to give into each other. Each had 18 votes. There were three waverers on the 39-member executive: Anne MacLean, from the Highlands; Lesley Hinds, leader of Edinburgh Council and the prospective candidate for Edinburgh West; and Mohammed Sarwar, a Glasgow councillor and prospective candidate for Glasgow Govan. All three had been subjected to heavy pressure beforehand, including lobbying telephone calls from Blair.

The meeting was immediately adjourned for continental-style proximity talks. Neither side would cave in. Robertson rejected so-called compromises which had been offered, such as splitting the two questions. The first question would be put in a pre-legislative referendum as envisaged, but the referendum on the second question on taxation powers would be organised by the Scottish parliament. Robertson believed this would be portrayed as a defeat for Blair, and worse, would put the 'tartan tax' issue back into the general election campaign as the question that Labour dare not ask the voters. Eventually, in some desperation, Robertson accepted a move from Mohammed Sarwar that after the first two-question referendum, the taxation power could only be activated by a Scottish parliament after a further referendum. It was argued that this would reduce the chance of a 'no' vote to the taxation question in the first referendum. It was the only way to break the deadlock. MacLean and Hinds agreed to back this line, which gave Robertson a 21-18 majority and maintained the two-question referendum proposal.

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It was however, an untenable proposition, sarcastically headlined by Scotland on Sunday: 'Oh No! It's a second referendum.' Though it was not of his creation, Robertson was saddled with it. Five days later he publicly dropped it. This left Blair's position intact, but Robertson's credibility in the eyes of the media, the public, and his party, was badly battered.

Three weeks later, System Three gathered together the focus groups, and got entirely predictable results. The short-term verdict on this episode has to be that it was a disaster for the Labour Party, and deeply bruising for George Robertson. Where he had hoped to impale the SNP and the Tories on a hook, they wriggled off giggling hysterically. But a month later, after the SNP conference in which an SNP executive committee member likened Robertson to the wartime traitor 'Lord Haw-Haw', and after Labour's successful national conference, Labour's Scottish opinion poll ratings had risen back up to record high levels of 53%.

The long-term view may be entirely different. After the debacle of the 1979 referendum, devolution became a fringe issue, remote and uninteresting to Westminster. The size of the parliamentary majorities enjoyed by the Conservatives throughout the 1980s ensured that a Scottish parliament was but a distant and unrealistic dream. The debates held in Scotland in that time concentrated on refining and improving the Scotland Act 1978, and on building a coalition of support for them in Scotland. In this atmosphere of oppositional politics, an unrealistic assumption took root: that whatever Scotland wanted, Scotland could get when the Tories were finally toppled from power. What happens when the Tories say no to Scotland?, asked Canon Kenyon Wright, executive chairman of the Constitutional Convention at the Convention's opening meeting in 1989. To tumultuous applause, he gave the answer: 'Well, we are the people, and we say yes!'

But 1996 was the year that serious Westminster politicians re-engaged with Scottish political thinking. They gave thought, for the first time since the Scotland Act 1978, on how Scotland could get what was wanted. They found that it wasn't going to be easy, and decided the people will need to say 'yes' in a referendum. If the Scottish parliament does arrive in Edinburgh this side of the millenium it will be because of that forethought. What many were anxious to portray as a sell-out is almost certainly the exact opposite.

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