

AFTER THE ALBATROSS: A NEW START FOR THE SCOTTISH PARLIAMENT?

Eberhard Bort and Christopher Harvie

I 'OPEN THE DOORS AND BEGIN!'

To the words of the poet Edwin Morgan, on 9 October 2004 Holyrood the Building was officially opened.¹ Over the first term of the Scottish Parliament, its slow progress and escalating cost hung like another poet's symbol, Coleridge's albatross, around the neck of the new Scottish politics, made heavier by part of the media which was only too willing to load it on to their anti-devolution polemic. After the elections of May 2003 George Reid, the second Presiding Officer, had apparently managed to avoid further delays and cost rises. Only weeks before the opening, the Fraser Inquiry had published its Final Report (Fraser 2004), apportioning blame evenly across the board. The MSPs' collective sigh of relief was audible. No-one's severed head was going to decorate the portico (Parry 2004).

Once opened, folk were even positive. With no major teething problems, Enrico Miralles' *Gesamtkunstwerk* proved a popular and critical success. Summing up the architectural response, Stuart MacDonald, the Director of the Lighthouse in Glasgow, spoke of 'a world-class, iconic parliament building ... with the undoubted power to express the complexity of our

Eberhard Bort is academic coordinator of the Institute of Governance at the University of Edinburgh. Christopher Harvie is professor of British and Irish Studies at the University of Tübingen.

¹ 'Open the Doors!', Edwin Morgan's poem for the opening of the Scottish Parliament, 9 October 2004, is published in *Scot Lit* (Association for Scottish Literary Studies), No.31 2004, p.9.

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national identity' (MacDonald 2004). By December some 150,000 people had visited.

The move was widely seen as a new start for the MSPs – 'Raising the Ga-e' was a phrase frequently used – who would have to live up to the place (Dinwoodie and Fraser 2004, MacAskill 2004, pp. 15, 78). Anecdotal evidence suggests the psychological process has already begun. Journalists and MSPs talk of an improvement in the quality of the debates and the confidence of committees, to match the improvement in working conditions. When journalists had all but withdrawn from the Commons, this was a modest advance for the parliamentary idea (Marr 2004). Creating too high expectations based on a new building alone could easily backfire, as with the newly-established Parliament in 1999. William McIlvanney has voiced his 'tattered dreams' gnawed by MSPs' feeble radicalism: 'It may be a new parliament, but it doesn't feel new enough.' (McIlvanney 2004) But there is now a realistic chance that Parliament will be judged for what it is – or is not – doing for Scotland, rather than through the distorted lens of an out-of-control building project.

So, what sort of political structures have walked through the doors? What is the outlook for Scottish politics in terms of issues and perspectives? And for self-government, 'a journey begun long ago and which has no end'? (Dewar 1999).

II 2003 – A SMALL EARTHQUAKE?

On 1 May 2003 the second elections for the Parliament took place. The polls were ambiguous, particularly over the Iraq war. The anti-war demo on 15 February 2003 was the largest staged in Glasgow in recent times, with around 100,000 participants, but by late April Labour seemed to profit from a 'Baghdad Bounce'; it was at least nine points ahead of its Nationalist rivals. Then, on 2 May, the Scots found they had at a blow received a six-party system and a possible Lib-Lab coalition with only a 5-seat majority. A small earthquake had happened.

The Coalition had enjoyed mixed fortunes: an accident-prone Executive went through three First Ministers in as many years, with the meter ticking on the Miralles building. *Spinmeisters*, all-conquering in London, bombed in Scotland. A mild reform, supposed to reverse Thatcher's homophobic Clause

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28, saw Cardinal Winning and the evangelical Brian Souter of Stagecoach launch an illiberal backlash, steered by the **Daily Record**, and get a million signatures. Moreover, Gordon Brown's economics – concentrating on the service sector and a house-price-driven high street boom – stumbled in Scotland. Most sectors were in or close to recession, with major closures not just in the few remaining traditional industries but in hi-tech 'Silicon Glen'. Farming, fishing and call centres were all in deep trouble, and the post 9/11 financial and tourism collapse was taking serious bites out of Edinburgh's economy. Following the fall of the Chancellor's protégé Henry McLeish, relations between Jack McConnell, Scotland's pawky First Minister, and Brown had grown notably distant: a prominent English Labourite remarked before the elections that the Chancellor and his friends were 'sitting on their hands'.

Scots electoral politics is a complex blend of regional and class loyalties, meriting a preliminary excursus into political geography. Three-quarters of Scots live in a thirty-mile-broad diagonal band between Ayr in the south and Aberdeen in the north. North-west and south east of this strip are thinly peopled rural areas directly represented by non-Labour parties. And within it? In 1996 the Scottish Council Foundation made a useful threefold social division: between settled Scots, insecure Scots, and excluded Scots. This expressed itself on the voting map of central Scotland: the first group – voting Conservative, New Labour, LibDem and SNP – was present in the outlying towns, suburbs and counties. The 'insecure' – voting SSP, Greens, Old Labour – in the city centres; and the 'excluded' – Old Labour, SSP and (predominantly) non-voters – in the peripheral housing schemes.

The entrenched ruling group in Labour's 'fortresses' (Ayrshire, Lanarkshire, Mid- and East Lothian and, above all, Glasgow) was alienated, deeply opposed to McConnell's intention to bring in proportional representation for local elections, an obligation to his Liberal Democrat partners which would deprive Labour of (for example) a 90% dominance of Glasgow City Council on 47% of the vote. Allegations of multiple malpractice in such power-rich, member-poor areas refused to go away, although Scottish Labour was notably free from the through-and-through penetration by big business facilitated by Tony Blair's fund-raisers, described lapidarily by Henry Drucker, that much-missed Scottish Labour stalwart and effective founding-father of **Scottish Affairs**, as 'evil' (Osler 2002). Labour MPs at Westminster were in little better mood. Apart from ministers and notorious 'bomb-

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throwers' like Tam Dalyell and George Galloway (expelled in 2003), they had sunk out of sight, emerging only to carry unpopular legislation against their English comrades.

Most worrying of all, even a favourable poll showed that Labour might mobilise only 47% of its vote, against the Nationalists' 58%, particularly since towards the end of April Baghdad seemed to be retreating from the front pages of Scotland's populist tabloids, the **Record** and the **Sun**.

Labour's coalition partners, the Liberal Democrats, had done well over the four years in being still there (unlike all of their Labour co-ministers bar McConnell), in the persons of Jim Wallace, Justice Minister and (twice) acting First Minister, and Ross Finnie, Rural Affairs Minister. In most respects left of Labour, they could claim responsibility for some of the Executive's more progressive acts – abolition of upfront tuition fees, free personal care for the elderly, the freedom of information act (Bort 2004). Their vote, however, remained static at around 15% and (ironically for a pro-PR party) they depended strongly on first-past-the-post seats (see Table 1) in rural Scotland. They were also losing patience. The Conservatives, surviving only because of PR, faced a new right-wing rival, the Scottish People's Alliance, to which three ex-MSPs had defected. Polls showed them as low as 10%, though they argued that this ignored one by-election victory (Ayr in 2000) a string of council successes, and their leader David McLetchie, perhaps the most effective senior MSP, who had the downfall of Henry McLeish to his credit.

The Scottish National Party had lost – for reasons never wholly fathomed – the eloquent Alex Salmond to Westminster (he was returned by his Banff and Buchan constituency in the 2001 general election). It was now led by John Swinney, respected but somehow unmemorable. PR had allowed it to break out of its north-east and south-west rural reservations, though less dramatically than Plaid Cymru had done in 1999 in Wales. In 2003 it tried *both* to recruit from the disillusioned left and to offer a pro-business tax-reducing agenda. But it failed to realise it had to be centralised to master the regional list system. The selection exercise in 2002 left two of its best brains – education spokesman Mike Russell and economics spokesman Andrew Wilson – facing defeat and provoked the secession of the instantly recognisable Margo MacDonald. Although the SNP played down its goal of independence, presented its policies with flair, and had the reputation of getting its vote out, Swinney clocked up only half of McConnell's

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recognition factor, and *that* was not high. Most of all, the SNP had underestimated the competition from the fringe.

The polls showed a potential explosive power among the small parties and independent candidates. The Scottish Socialist Party, led by the eloquent Tommy Sheridan, ‘the man with the tan’ (non-smoking, non-drinking, but with an addiction to sunbeds: his recognition factor almost as good as McConnell’s) was reaching 10% in some polls and possibly 22% in the Glasgow area (on 1 May it actually got nearly 16% in Glasgow). The Greens were getting around 6%. Both were pro-independence. Independents campaigning on local causes could eat deeply into Labour’s support, and pensioners and hard-done-by fishermen were forming single-interest parties.

Table 1
Scottish Election Results 2003

Party	1 st Vote %	Seats	2 nd Vote %	Seats	Total Seats
Labour	34.62 (-4.18)	46 (-7)	29.62 (-3.98)	4 (+1)	50 (-6)
SNP	23.78 (-4.92)	9 (+2)	21.55 (-5.75)	18 (-10)	27 (-8)
Con	16.61 (+1.01)	3 (+3)	15.54 (+0.14)	15 (-3)	18 (0)
Lib Dem	15.36 (+1.16)	13 (+1)	11.64 (-0.76)	4 (-1)	17 (0)
SSP	6.2 (+5.2)	0 (0)	6.48 (+4.48)	6 (+5)	6 (+5)
Greens*	-	-	6.46 (+2.86)	7 (+6)	7 (+6)
SSCUP**	0	0	1.47 (+1.47)	1 (+1)	1 (+1)
Others***	3.43 (+1.73)	2 (+1)	7.24 (+1.64)	1 (+1)	3 (+2)

See also Denver (2003).

* *Greens did not stand in the 1st (constituency) ballot;*

** *Scottish Senior Citizens Unity Party;*

*** *two directly elected independent MSPs (Dr Jean Turner and Dennis Canavan); one on the list (Margo MacDonald)*

This development seemingly reacted to the composition of the first parliament: overwhelmingly middle-class and young middle-aged. Despite the fact that the home rule campaign had been headed-up by the over-sixties (21% of the population) they had only a handful of MSPs; a similar

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population percentage between 18 and 29 was even worse represented, by only 2 MSPs.

Would dissent over the Iraq War, along with Scots irritation at London's dominance of British media, art and culture, further erode the Scottish intelligentsia's support for Labour, once 'their' party? Would 'doing less, better', McConnell's modest, populist credo – defending Scotland's traditionally high levels of public finance for schools and hospitals, throwing impressive sums at transport projects in Labour areas: trams for Edinburgh and Glasgow, railways to the airports – be enough to maintain Labour's grip on power?

McConnell ran with the issue of 'ned culture' – anti-social behaviour – which suited his tactical shrewdness and populist style. There certainly was a problem, as many of Scotland's 50,000 drug addicts and 200,000 alcoholics (three times the German level) were young, or were proving feckless parents of the young (Harvie 2004, p. 70). Some would have seen the root cause in third-generation unemployment, unadmitted by Brown, and the prospectless anomie that followed from this. McConnell's clampdown – electronic curfews for wayward teenagers, threats to jail their parents – disturbed his Liberal allies with their implications for civil liberties, something that even led to him clashing in public with Wallace, but it strengthened Labour in the heartlands, and curbed any tendency to place second votes elsewhere.

The Greens played well tactically by concentrating precisely on this. Those who wanted to vote Green were guided direct to the list. They and the SSP also got through to an 18-26 year old group (what the writer Andrew O'Hagan called the chemical/hedonist generation) which otherwise polled less than 33%.

III AFTERWARDS

The major issue handled by Parliament after the election had played no part in it. The banning of smoking in enclosed public places was first tabled by McConnell in October 2004, following a similar measure carried by Dáil Eireann and imposed on 29 March. Some observers thought this showed authority increasingly being concentrated in the Executive, with Parliament only reluctantly (if at all) being allowed to discuss such Scoto-Westminster decisions as the transfer of the Scotrail franchise from National Express to

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First Group, or the processing of schemes for new casinos through a Sewel motion:² a pseudo-federalism which was genuinely undemocratic.

Nevertheless, the coalition Executive proved stable (by the end of 2004 it had only lost two votes, on the competitive tendering of ferry routes and a symbolic one protesting against the reorganisation of Scotland's regiments). PR for local government, which could have split Labour, became law before the summer recess of 2004 – another feather in the LibDems' cap – and it outrode a series of embarrassing crises. Cathy Jamieson in Justice had to cope with the unreliability of Reliance in the privatised transport of prisoners; Frank McAveety in Culture was faced with, and blamed for, the financial malaise of Scottish Opera; Malcolm Chisholm in Health was attacked for controversial hospital closures. McConnell moved him to Communities in an October reshuffle, and replaced McAveety with Patricia Ferguson. But, overall, his resilient Executive contrasted dramatically with an unravelling Downing Street.

Because of opposition weakness? Alex Salmond's return from being 'king over the water' to lead the SNP (from Westminster) in September 2004, after Swinney was hounded out by the permanent bickering of some of his backbenchers, was fortified by a strong performance by his deputy and opposition leader in Holyrood, Nicola Sturgeon. But the SNP has still to come to terms with the bruising of May 2003, and with its devolution dilemma. 'The party must reflect the new political landscape. It must nurture and support the institution,' so reads Kenny MacAskill's prescription (MacAskill 2004, p. 79). Regarding independence and interdependence as not being 'mutually irreconcilable' (p. 31) he urges his party to 'define itself as a mainstream European Social Democratic Party' committed to 'creating the best devolved Scotland there can be.' (p. 50) In other words, gradualism is the only game in town: 'The way forward will be incremental, building up both the Parliament as an institution and the powers to be exercised within it.' (p. 78) More fundamentalist Nationalists think that such a successful devolved Parliament might divert Scots from demanding further constitutional change.

² A legislative mode named after the Aberdeen academic John, Lord Sewel, whereby a matter of joint interest would be, for the sake of convenience, kicked back to Westminster (see Cairney and Keating 2004).

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Amazingly, given the respect David McLetchie commands in- and outside the debating chamber, there have been persistent rumours of discontent with his leadership. This is probably linked to the unlikeliness of the Scottish Conservatives quitting their fringe ghetto, due to the dimness of their British prospects. The Greens, the big winners of 2003, have been lacklustre since. Their environmentalism may garner respect, but they have not found a 'big theme' that would extend their profile. The transition from one-man party (the colourful Robin Harper) to seven-member party group seems more difficult than perhaps expected. Such problems have become even more true for the SSP. In November 2004 they turned on their charismatic leader, Tommy Sheridan, over tabloid headlines about an alleged affair with a party member. By February 2005, according to a narrow party decision, a new leader will be elected. 'We are bigger than one person', an SSP member said. Sure.

Initially, after the election, there was talk of a loose but activist rainbow coalition emerging among those in opposition with an independence commitment. So far, there has been little sign of this. But the agenda for it exists.

IV READING THE RUNES?

Has devolution strengthened the Union along proto-federal lines? There is still no elaborated structure of German-style cooperative federalism (Conferences of Minister Presidents, Bundesrat, etc.) and Westminster's authority is still represented in Cabinet by (in descending order of power) the Northern Ireland, Welsh and Scottish part-time secretaries. With the continuing impasse in Northern Ireland and the demolition of North-Eastern devolution on 4 November 2004, 'Home Rule all round' seems dead (Morris 2004). Yet north-south tensions persist over Scotland's 'generous' treatment by the Barnett Formula (1978) for setting the block grant, whose restructuring, in a direction unfavourable to Scotland, seems inevitable.

Asked about the federal element, McConnell once said, not utterly provocatively, that he had more dealings with Brussels than with London. But his unobtrusive one-year presidency of RegLeg (the association of European regions with legislative powers) was crowned with little success. The proposed European Constitution may recognise the existence of sub-Member State governance, but it does not offer them a seat at the top table.

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Iraq has not faded into the background, but got tangled up with the exposure of the Black Watch to attack near Falluja and to amalgamation at home. The SNP has traditionally been an anti-nuclear, neutralist party; the SSP and the Greens even more determinedly so. Were these parties to dominate a future Parliament, the continuation of Britain's Trident nuclear submarines, based in the Clyde, and appallingly expensive to house elsewhere, would become problematic (Walker and Chalmers 2001). SNP coyness about a referendum on independence (which would probably still show a majority for the status quo) has been countered by broad and growing inter-party support for 'Fiscal Autonomy' (later and more euphoniously 'Freedom' or 'Independence') – meaning that Scotland should raise its own tax revenue, with sums precepted for 'British' purposes (Heald 2002). The Tories moved tentatively in the direction of giving the Scottish Parliament tax responsibility, and Wendy Alexander championed 'Fiscal Federalism' when summing up the series of Fraser of Allander lectures she had promoted (Hallwood and MacDonald 2004).

With a 'semi-fledged' six-party system, plus four independents, should we fear the 'Italianisation of Scottish politics'? A prospect made even less inspiring because Scotland lacks Italy's positive side: the strong local authority, micro-capitalist dimension. Yet politics *at* Holyrood looks like being more exciting than the first term. Some business is left pending. The Scots still have a 'white' Parliament – without a single ethnic minority MSP nor, despite the jostling for the Muslim vote in the war context, the prospect of one. By contrast, the gender balance, rather unexpectedly, improved (the Scottish Parliament is now 39.5% female, though the National Assembly in Cardiff actually reaches 50%). Labour has now a clear majority of women MSPs (28 out of 50), and the women of the SSP and the Greens compensated for the losses of the SNP. Scotland got its first openly gay MSP, the Glasgow Green Patrick Harvie.

V OUTLOOK

In a much-hyped address to the British Council on 8 July 2004, Chancellor Brown, *quondam* editor of **The Red Paper on Scotland** but sounding more like G. M. Trevelyan, lauded a Britishness to which fewer than 20% of Scots were committed (Brown 2004); yet a year earlier Matthew Parris, the **Times** columnist and by now dissident Tory, remarked on the way in which Scotland was concealed from London's purview (Parris 2003). The fact that

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his was – even during an election campaign – a rare voice was proof enough of this. McConnell’s cabinet, however, seems in its composition to confirm some perennial southern criticisms. It is overwhelmingly drawn from west central Scotland and from the Labour ‘fortresses’ which, on closer inspection, seem to exist only *there*. Henry McLeish may criticise the relative unimportance of ‘Jack’s lads’, but then he himself tells us more about the royals than the Scottish cabinet (McLeish 2004). Of the ‘Edinburgh effect’ – the high-profile ‘culture-and-commerce’ mix which had underwritten the city’s success – there is scarcely a sign. Even McConnell’s one radical policy, PR for local elections, has a commitment to STV (Single Transferable Vote) which guards against overmuch pluralism.

The Parliament may have delivered some landmark legislation, but is it fulfilling aspirations to a fundamentally open and inclusive polity? Or is it a mission to the ‘insecure Scots’, offering smart deals to secure middle class status, values and jobs? The decline in voter turnout (from 59 to 49% between 1999 and 2003) is an indication of the disappointment of the Scottish electorate with the results of the new politics in terms of industrial regeneration, combating poverty and addressing infrastructure deficits. But the surveys also show that the principle of devolution has not lost popular support (McEwen 2003). Those who welcomed McConnell’s 2003 St Andrew’s Day speech about the centrality of culture, the arts and creativity, have become deeply disappointed with the record of the Scottish Executive so far. Not just the starving of Scottish Opera, but the general perception that initiatives and consultations and strategies come and go, *because they are an end in themselves*.³

This stasis may stem from forty years of deindustrialisation and external control, but cash as such has not been a major problem. Every spending review from 11 Downing Street has presented the Scottish Executive with new ways to throw money at structural problems – with limited success so far, particularly as regards delivery in the Scottish NHS. The debate about fiscal responsibility will not go away – a parliament without a fully-fledged budget debate and budgetary rights is, in the eyes of the public, no full

³ Both authors welcomed Sarah Boyack to the Freudstadt Colloquium in 1999 as the first Scottish Minister to visit Europe. In 2004 not a single one of Boyack’s railway projects had been realised. In 2003 the railway to Freudstadt was electrified with an express service, a decision taken in 2001.

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parliament. The Holyrood inquiry spotlighted tensions between the political elite and the civil service. McConnell has tried to bind the Scottish bureaucracy closer to his Executive, stressing that it is answerable to him – yet it remains part of the UK civil service. Its whip is cracked by Whitehall.

But the situation could change, with the Treasury itself and Gordon Brown looking vulnerable. Should the concatenation of inflation, personal and public debt, tax increases, and corporate and pensions collapse kick in, and the Whitehall Scots not remedy matters, then fundamental trouble will face a far-from-monolithic Scots politics. The forthcoming UK general election is already straining the Executive coalition, with the LibDems claiming credit for the successes, and provoking intemperate Labour reactions (MacLeod 2004). That there is further potential for friction between the Blairite reform agenda and the Scottish Executive's approach became apparent when Tony Blair visited Bute House in December 2004 on one of his rare forays into Scotland.

Is the smoking ban really a new radical departure for McConnell & Co, as Iain Macwhirter and Brian Taylor suggest? (Macwhirter 2004; Taylor 2004) Or is it closer to William McIlvanney's 'indication of how tame our parliament has so far been' (McIlvanney 2004)? In 1999 the ever-readable Andrew Marr compared the infant Parliament with the other Scots mastering London and did not think the compromise would last (Marr 2000, pp. 65-72), with the decline of Scots expressing 'Britishness' (McCrone 2001, pp. 149-74). Things have not changed, and with a quasi-federal Britain off the menu for the foreseeable future, Scotland (and Wales) will have to adjust to being on their own, not in the company of the English regions.

Perhaps as early as May 2005 we will find out what happens if Labour is returned to Westminster with a reduced majority based on Scottish (and Welsh) MPs, but with a minority of English MPs. The 'West Lothian Question' all over again. The Scots may be insignificant enough for the South not to get too steamed up about the Barnett formula and the few bawbees more per head spent on Scotland, but Scottish MPs deciding what is to be spent on English health, English education and English transport, perhaps enforcing cuts or additional fees the Scottish Parliament refuses to make in Scotland? Our guess is that the English will be less patient than the Scots were under Westminster rule. What then? Ban Scots MPs from voting on English matters – thus creating two classes of MPs and, de facto, an English Parliament? Perhaps with a Conservative majority? Or the need for a

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Labour–LibDem pact for English matters – while retaining a Labour majority for ‘reserved’ British affairs? At the price of PR for Westminster? Regional devolution could have been a way forward, but not after 4 November.

Finally, there is the question of Europe. What will happen in a UK referendum on the Constitution? Will the ‘pro-European’ SNP campaign shoulder to shoulder with UKIP and the Tories for a No-vote, trying to extract fisheries from the exclusive competence of the EU (MacDonnell 2004)?⁴ How would that play in the eyes of other mainstream European Social Democratic parties? And will there be, over time, a closer partnership between the ‘regions’ and the European institutions? Handing on the baton of RegLeg President to the Bavarian minister of European affairs, Eberhard Sinner, McConnell called for its recognition to be enhanced as a means of linking the EU to its citizens: ‘The best way to do that is for devolved governments to have a stronger role in shaping and applying EU laws and regulations.’ (Dinwoodie 2004)

Despite the defeat for the SNP in 2003, the cause of independence was numerically boosted in the new Parliament. Given that some SNP MSPs might be shaky on independence, and some Labour MSPs might favour it, 27 SNP MSPs, 6 SSP, 7 Greens, plus Margo MacDonald and Dennis Canavan made 42 – against 38 in 1999 (35 SNP plus 1 SSP, 1 Green and Canavan). But is arithmetic enough? Will these parties further the cause, or fragment and weaken it? Apart from this, will the increase on the left make a tangible difference in the policy-making process of the Scottish Parliament? And thus increase policy divergence between Scotland and the rest of the UK?

An ‘admirable working legislature’, in the words of Richard Parry, may, with Holyrood, have ‘achieved its deserved physical embodiment.’ (Parry 2004, p. 5). The albatross is off its neck. It will no longer obscure the achievements – and the shortcomings – of the Scottish Parliament and its Executive in fulfilling the aspirations which still focus on the devolved institution.

⁴ *They have a case, given that only seven of the 25 EU Member States now have a North Sea coastline, but whether this will change the sea’s ecological crisis is another matter.*

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