

Scottish Devolution: A Historical and Political Analysis

By Luis Rivera

The first clause of the Scotland Act of 1998 reads, "there shall be a Scottish parliament."<1> In May 1999 Scotland elects its first Parliament since 1707, and the Queen will formally open it on July 1st, 1999. This constitutional reform devolves the power to make domestic policy and laws for Scotland from the unitary UK Parliament to a Scottish Parliament. This devolution of legislative and executive powers to an elected assembly in Scotland is a response to hundreds of years of Scottish nationalist sentiment. "Nationalism is a doctrine which holds that the boundaries of a state should coincide with those of the nation."<2> Although Scottish devolution is an attempt by the UK Parliament in Westminster to fend off a history of nationalist sentiment, it may eventually lead towards an independent Scottish nation-state.

The crowns of England and Scotland united in 1603 when James VI of Scotland became James I of England. It was not until 1707, though, that the Act of Union united the parliaments of England and Scotland. Though Scotland retained its own church, education and legal system, the Scottish public saw the Act of Union as an abandonment of the country's independence. Perhaps it was the Scottish Chancellor Seafield, a leading politician of the day, who best exemplified this sentiment when he wound up the final debate by remarking sadly that it was the 'end of ane auld sang'.<3>

Most Scots saw the Act of Union as the decision of the Scottish ruling classes with an interest in preserving trade with England. Their decision was unpopular with the rest of the country, and initially the economy suffered as Scotland struggled to become competitive in the larger British market. In the long run, though, Scotland benefited economically from the Union and nationalist feelings declined.

In the 19th century Scotland continued to progress economically. Towards the end of the century, however, there was once again significant momentum in the home-rule movement. "Between 1889 and 1914 Parliament debated Scottish home rule 15 times, and introduced four bills on the subject. In 1913 a Home Rule Bill passed its second reading before being defeated at the final vote.<4> In response to this earlier home rule movement, the Government created the post of Secretary of State for Scotland in 1885 and made a cabinet position for Scotland in 1926, the so-called Scottish Office.

After World War II home rule received enormous support from the Scottish Liberals, based on a desire for greater control of Scottish economic resources. In the 1920s and 30s the Great Depression hit Scotland harder than it hit England and Wales. Scottish home rule had been an issue of concern to the young British Labour party. The depression caused it to gradually slip on the Labour party's list of priorities, yet there was still support for constitutional change within the Labour party. In 1932 *The Scottish Daily*

Express ran a straw poll in 35,000 homes and found 113,000 people in favor of self government and only 5,000 opposed.<5>

The Home Rule movement once again began to surge with the formation of the Scottish National Party (SNP) in 1934 and saw gradual electoral progress throughout the next 30 years. The SNP dedicated itself to the idea of radical constitutional change for Scotland in the form of independence, and encouraged the growth of Scottish nationalism. The threat of a strong nationalist independence movement in Scotland caused the British Conservative and Labour parties to accept home rule as a viable solution to the problem. In 1968 the then Opposition Conservative Party led by Edward Heath responded to this rise in nationalist sentiment with the Declaration of Perth. The declaration favored devolution and recommended that in Scotland there be created a directly elected body with legislative power.

In 1970 support for nationalism and devolution increased dramatically in Scotland as a result of the discovery of oil in the North Sea. The loss of trade partners that had been associated with secession from the UK no longer seemed to worry the potentially wealthy Scotland. Consequently, the SNP's share of the electorate rose dramatically over the next 5 years. At the 1970 General Election, SNP's share of the vote rose to 11.4%. By February 1974, the SNP had the support of 21.9% of the vote, and by October of the same year 30.4%. As the BBC comments on the nation's future in its devolution web page, "the SNP [could] possess a highly attractive political formula--independence and the Saudi-type oil riches that could accompany it."<6>

The Labour party embraced devolution in 1974 as a response to the electoral successes of the SNP. "The surge in support for the SNP at the elections of February and October 1974 were seen as major factors in Labour's decision to bring forward devolution proposals."<7> The hard-line Conservative Thatcher Government sought an opposite approach. Thatcher and her successor, John Major, sought to kill off the whole idea of devolving power to a parliament in Scotland. The Conservatives paid a terrible price for this political mistake; in the 1997 General Election the Conservatives lost every single one of their seats in Scotland and in turn lost Government to the Labour party that had supported devolution. As is clearly evident, "Labour's current commitment to devolution remains influenced by the nationalists."<8>

The rise of the SNP and Scottish nationalism as well as fears of perhaps losing the support of the Scottish electorate prompted then Labour Prime Minister Harold Wilson to make a firm commitment to devolution. In the late 1970s Labour brought forward proposals to develop a Scottish Assembly. A Scotland Bill received Royal Assent in 1978, but the Act required that a referendum be held. The '40% rule' or 'Cunningham amendment,' which was included in this bill, stated that if less than 40% of the electorate voted 'Yes,' then the Scotland Act granting devolution should be repealed.

By March of 1979, the public in Scotland had tired of the devolution issue while the parties divided over it. The debate amongst the parties centered on the so-called 'West Lothian' question that the Labour MP Tam Daylell, the actual representative from West

Lothian, had presented. He argued that Scottish MPs should not be allowed to vote on English matters when the English would not be able to vote on Scottish matters in the new Parliament. Amidst all the debate, the referendum took place on March 1st, 1979. Even though 1.23 million voted in favor and 1.15 million opposed an Assembly, the 'Yes' represented only 32.9% of the electorate. The outcome fell short of the 40% the Act required to be implemented. Though the result was a disastrous blow for the nationalist movement, it was not especially surprising. As Andrew Marr explains in *The Battle for Scotland*:

In 1979 devolution carried the stigma of a failing government. It had been imposed on a doubtful party by a London leadership for purely electoral reasons. It had been legislated for in a fog of internal dissent and confusion. It was campaigned for by divided parties at a time of economic chaos. In some ways it is surprising that so many Scots voted for it.<9>

Since 1989, the Scottish Constitutional Convention has led the cross-party campaign for change. At its inaugural meeting in 1989, its membership included 58 of Scotland's 72 MPs (Labour and Liberal Democrats), 7 of its 8 MEPS (Labour), 59 of its 65 councils, and representatives from the Scottish Trade Union Congress, as well as many church and civic groups. It developed detailed proposals for a Scottish Parliament and its final blueprint for a Scottish Parliament—*Scotland's Parliament, Scotland's Right*--was published in 1995. The SNP, though, refused to take part in the Scottish Constitutional Convention and led a Scottish independence campaign instead. This campaign eventually failed due to lack of support and the SNP joined the devolution supporters, with the assumption that a devolved parliament would lead to the break up of the Union. As Alex Salmond, the SNP leader, reasoned, "If the Scots get a devolved parliament and see how constitutional change works for them, they'll obviously want more of it."<10>

On May 1, 1997 Tony Blair and the new Labour party ascended to Government with a mandate to modernize the way in which the UK was run. The devolution of power from Westminster to Scotland and Wales were an important part of their proposal, though the issues were eventually split up. On July 24, 1997 the Government published its detailed plan for the Scottish devolution in the White Paper *Scotland's Parliament*. The White Paper proposed the establishment of a Scottish Parliament with domestic law-making and tax-varying powers. Then, on September 11, 1997, the Government held a referendum on its proposal. The people of Scotland voted to support the Government's proposal at the Referendum: 74.3% of those voting supported the principle of the creation of a Scottish Parliament and 63.5% voted to support the proposal to give the Parliament limited tax-varying powers. The turnout at the Referendum was 60.4%, well over the 40% required by the Cunningham Amendment.<11>

In November 1998 the Westminster Parliament passed the Scotland Act, as it did a Wales Act also, and it received Royal assent; the first elections to the Scottish Parliament are to

be held on May 6, 1999. As the right honorable Donald Dewar, Secretary of State for Scotland, explained in his 1997 Parliamentary Statement on the White Paper:

The Scottish Parliament will consist of 129 members, 73 directly elected on a constituency basis, plus 56 additional members (7 from each of the current 8 European Parliament constituencies) allocated to ensure the overall result more directly reflects the share of votes cast for each party.<[12](#)>

The Scottish Parliament will model itself after the Westminster Parliament. Its executive will operate in a manner similar to the UK Government and will be headed by a First Minister. The Parliament will have the power to make the law of Scotland in devolved areas, but those matters more appropriately dealt with on a UK basis will remain at Westminster. Among those powers reserved to the Westminster Parliament are constitutional reform; foreign policy; defense and national security; fiscal, economic, and monetary policy; employment legislation; some health issues, including abortion; social security matters; and most aspects of transportation safety and regulation.<[13](#)>

After devolution, Scotland's MPs are to continue to play an active role in the Westminster Parliament. However, the present practice of requiring a minimum number of Scottish seats in the House of Commons will discontinue since the House will no longer be dealing with Scottish domestic issues. The Secretary of State for Scotland and a Scottish Office will also continue, but with newly defined roles. The Scottish Secretary of State's duty is to work with the Scottish Executive and the UK Government to ensure that Scottish interests are represented within the UK Government.

The devolution of power from Westminster to Scotland is more of a reaction to growing voter support of nationalist sentiment than general concern with constitutional reform. It was not until economic and political circumstances improved for the SNP that devolution became a concern of the UK Government. As Leicester explained in his 1996 article entitled *Journey Without Maps*:

The reaction of Labour and the Conservatives to the rise in Scottish Nationalist support during that period can be seen now less as a principle attempt to decentralize the government of the United Kingdom than as an elaborate series of tactical responses to the complex and ever-changing political calculus of relations within and between two parties.<[14](#)>

The Scottish National Party's influence, however, has not died down as a result of Labour's devolution legislation. Though most scholars speculated that devolution would kill off the demand for Scottish independence, support for the SNP has only risen. And though the SNP supported the devolution campaign, they saw devolution as a stepping stone to federalism or independent statehood. "Alex Salmond, the SNP leader, persuaded

his party to accept Labour's policy of devolution by explaining that supporting the 'Yes' campaign in the Referendum of 1997 was simply a means of providing the building blocks for independence."<15> The future of Scotland, though, remains in the hands of the electorate. If the SNP--whose aim is the break-up of the political entity that is "Great Britain" and the creation of a separate Scottish state--wins control of the parliament, it is possible there will be a referendum for Scottish independence within the next ten years.

Perhaps the key to Scottish independence lies in the European Union, a European multinational organization with executive, legislative, and judicial powers. As Archie Brown theorized in his article, *Asymmetrical Devolution: the Scottish Case*, "membership in the European Union means that a break with England would not be absolute."<16> With Scotland's striving economy and claims to the North Sea oil, the EU may be the larger entity needed to replace the UK and give Scotland stability. "An independent Scotland would not be isolated; but would, rather, be an active member of the EU, relinquishing some of its sovereignty not to a British state but to that wider Union."<17>

A comparative analysis of the failed 1979 Referendum with the passed 1997 Referendum allows a deeper understanding of why the Scotland Act of 1998 was a success. The 1979 Referendum did not fail because it was a poor bill, but rather because the political climate and devolution package were not accommodating. By 1979 the Scottish public was bored of the five-year struggle that had become the Scottish Home Rule campaign and which had culminated in the Referendum. Although the Labour Party had officially supported devolution, both Labour and Scottish National Party members were divided on the issue, and the conservative Tory Party, despite the Declaration of Perth, was staunchly opposed to any form of devolution. Labour was deeply divided between devolutionists and unionists, while the Scottish National Party was also split between those who favored devolution and those who proposed independence from the United Kingdom. The Labour party's commitment to the devolution of powers to Scotland and Wales had merely been a reaction to nationalist movements. Also, the Labour leaders knew that Scottish independence would greatly diminish the number of Labour MPs since Scotland traditionally voted Labour. Labour had become committed to devolution in 1974 following the success of the Scottish Nationalist Party. These divisions "did not make the complex work at the official level any easier."<18>

Aside from the deep divisions within the parties, Scotland also found itself in a turbulent economic period. Although Scotland's economy had risen due to the 1970 discovery of oil in the North Sea, after a crash in oil markets in the mid-1980s the economy was again on the downturn. Scots worried about distancing themselves from the United Kingdom and their economic stability. With the European community not yet stable and the Maastricht Treaty creating a common European trade market years away, Scotland had no larger entity to support it aside from the United Kingdom.

Labour's diminishing majority in the House of Commons was another significant issue. Partly due to the failure of the Referendum of 1979, the House of Commons was forced to go to General Elections early, which brought into power a new Tory Government led by Margaret Thatcher. Thatcher was a staunch unionist and had passionately fought

against the issue of Scottish devolution while in Opposition. Many scholars wonder "would the Thatcher administration really have been comfortable setting up the devolved Assembly she and her party had fought so bitterly under her leadership in Opposition?"^{<19>} Also missing from the Referendum were the government funded umbrella groups present during the 1975 Referendum on whether or not to join the European Community. For the Scottish Referendum no umbrella groups were given government recognition and hence no government grants.

Especially significant in the 1979 Referendum's failure were the details of the devolution package presented to the House of Commons and the electorate. The 1974 Scotland Bill called for an independent Scottish assembly with a "first past the post" electoral system. It would be assigned a budget according to the so-called Barnett formula, yet limits on borrowing that would hamper its ability to raise funds were included. Other important factors missing were entrenchment legislation by the Westminster Parliament that would prevent the Assembly's future repeal and a provision specifying "shared powers" with the Westminster Parliament.

The political and economic climate preceding the Referendum of 1997 was very different from that which preceded the 1979 Referendum, and had immense influence on the latter's success. The political climate was one centered upon Tory alienation of the Scots. With their staunch unionist campaigns, and the trail of the Poll Tax in Scotland harming industry, the Tory Government severely alienated the Scots. In 1989, the Scottish Constitutional Convention under the leadership of the Labour and Liberal Democratic parties first met to draft a Scottish Constitution. The Convention reached agreement on key issues that went unresolved in 1979 and set a specific agreed position rather than a range of options. This created a united pro-devolution stance from Labour and the Liberal Democrats, even though the SNP had pulled out of the Constitutional Convention in favor of an independence referendum. Eventually, upon finding little support for their Scottish independence movement, the SNP returned to the campaign for Scottish devolution. In 1997, the Labour Party under the leadership of Tony Blair captured Government with the help of the total defeat of the Tories in Scotland and immediately began the campaign for Scottish Devolution. This, however, was a new united Labour Government and devolution was a major platform issue. As Mr. John McAllian, the honorable Member for Dundee East, stated in his May 21st, 1997 speech before the House of Commons, "A Scottish Parliament based on Scottish Constitutional Convention scheme is a manifesto commitment that binds every member of the parliamentary Labour Party."^{<20>}

In drafting the Referendum of 1997 and the Scotland Act, lawmakers sought to learn from the mistakes of the 1979 Referendum that failed at the hands of the Cunningham Amendment. While in 1979 a first-past-the post system had been recommended, the passed 1997 Act proposed an additional member or proportional representation system, joined with an agreement to promote gender equality in the new assembly. In terms of funding, the constitutional framers once again chose the system of block grants according to the Barnett formula, but this time no limits were placed on borrowing and the Assembly was given the power to alter the budget by 3 pence per Scot. The Scotland Act

also improved on the former Scotland bill by creating "shared powers" with the Westminster Parliament and prompting a declaration of the Westminster Parliament to forever prevent the Scotland Act from repeal.

Also important to the passage of the Scotland Act was the larger political situation in which the United Kingdom found itself. Constitutional reform was and is an important issue in the United Kingdom, and "opinion polls show support [for such reform]."<21> Scottish Devolution was just a part of this larger program of constitutional reform presented as a package to benefit the whole country. The progression of the European Union also influenced the success of the Referendum. The EU served as the larger entity that perhaps Scotland could find economic relief under if necessary and possibly in the future join the Euro single currency according to the Maastricht criteria.<22>

As the process of devolution continues and with the opening of the new Scottish Parliament in June of 1999, one can only speculate the results Scottish Home Rule will have on the United Kingdom of Great Britain and Northern Ireland. Only time will tell if Westminster's politically motivated reaction to nationalism—Devolution--will lead to an independent Scottish nation-state. Perhaps the hidden truth lies in the fact that Referendum of 1997 was held on September 11, the 700th anniversary of the battle of Stirling Bridge in which the Scottish folk hero and martyr, Sir William Wallace, vanquished an English force.

Notes

1 House of Commons, Parliament, UK. *The Scotland Act of 1998*. (London: The Royal Stationary Office, 1998.) <http://www.hmso.gov.uk/act/acts1998/19980046.htm>

2 Brown, Archie. "Asymmetrical Devolution: the Scottish Case." *Political Quarterly*, (July - Sept 1998v69 n3. Political Quarterly, 1998.)

3 Seafeld. Parliamentary Statement (1707) from *Scotland's Quest For Home Rule* by Murray Ritchie. <http://www.theherald.co.uk/devolution/home.html>

4 BBC Online. *Scotland. The State of the Union, Politics, Devolution*. <http://www.bbc.co.uk/stateofnation/scotland/politics>

5 BBC Online.

6 BBC Online.

7 Lynch, P. "Labour and Scottish Devolution: Securing Consensus and Managing Opposition." *Regional Studies*, (Oct 1996 v30 n6. UK: Regional Studies Assoc., 1996)

8 Lynch 601.

9 BBC Online.

10 Salmond, Alex. Parliamentary Statement from *Scotland's Quest For Home Rule* by Murray Ritchie.

11 BBC Online.

12 Dewar, Donald. *Secretary of State for Scotland's Parliamentary Statement*. The Scottish Office. <http://www.scottish-devolution.org.uk/white%20paper/secstate.htm>

13 Dewar 3.

14 Leicester, G. "Journey Without Maps: Scottish Devolution in the 1990s." *Regional Studies*, (Oct 1996 v30 n6. UK: Regional Studies Assoc., 1996.)

15 Ritchie 4.

16 Brown 1.

17 Brown 1.

18 Leicester 1.

19 Leicester 1.

20 McAllion, John, MP. House of Commons Hansard Debates for 21st May 1997. <http://www.parliament.the-stationary-office.co.uk>

21 Lynch 2.

22 "Scotland's Modern-day 'Braveheart' fights with statistics." (CNN Interactive Web Page.) <http://www.cnn.com/WORLD/europe/9903/14/britain.scotland/>

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