

## DEVOLUTION: CONSERVATIVE POLICY

### A Proposal for a Constitutional Conference

(A Paper by Mr. Pym)

#### 1. Tactical Considerations

The Conservative Party needs to be ready to meet the following situations:

- (i) A debate on a timetable motion, where it would be desirable for the Party to be able to show that defeat of the motion, and hence of the Bill, would not imply defeat of devolution.
- (ii) Defeat of the timetable motion, which would be an excellent time to be in a position to take a constructive initiative, while the Government was in chaos.
- (iii) A General Election before the Bill has been passed, where the Party will need a policy that it is prepared, and able, to implement in Government.
- (iv) A position for the referendum campaign. At present, polls show clearly that while the Scots are not very enthusiastic about this particular scheme, they would be prepared to vote for it, presumably from the fear that if they reject this Bill, they will reject any chance of an assembly. If the Conservatives elect to campaign for a 'no' vote, then they will need to be able to convince the electorate they have a clear alternative.

#### 2. The Bill in the House of Commons.

Concern has been expressed about the way this Government, and the House of Commons, has approached this issue. It is becoming apparent to politicians, and to the more intellectual press, that this is because the Government has gone about the Bill in the wrong way by insisting on treating it as a party political matter and by refusing to bow to any criticisms in the House. In addition, it has not thought through the implications of its proposals for the UK as a whole. Even those who were sympathetic to this Bill, quite apart from those who were sympathetic to devolution in principle, are having second thoughts. However, in Scotland the press is such that this has not become apparent. If it is made to appear, however unjustifiably, that it is the House of Commons that has defied the wishes of the people, be it because of its English majority or because its procedures are inadequate to the task, then there is a danger of increasing the hostility for, and disillusion with, the whole institution of Parliament.

#### 3. A Constitutional Conference

A Constitutional Conference, as outlined below, could be an argument in, or a policy for, all the tactical considerations elaborated above. It could also demonstrate that the House of Commons can take an initiative on a major constitutional issue and that it is not acting in a purely negative way in frustrating the Bill's progress.

#### 4. Purpose of the Conference

Such a conference would have as its first priority the production of an agreed approach to devolution within the UK. — Independence would not be an option and the Nationalists would be invited to participate on that basis.

It would be free to recommend, or reject, the establishment of Assemblies in Scotland, Wales and, possibly, Northern Ireland. It would then consider the implications of its proposals for England and for the House of Commons. Indeed, it may wish to consider devolution in England on its own merits, regardless of the position of Scotland and Wales.

The reports of the Royal Commission might well prove a suitable basis for the discussion and possibly the working papers of the Commission might be made available.

#### 5. Structure and Timetable of the Conference

(i) The Conference should be representative of all Parties in Parliament, with consideration given to achieving a balance between the various parts of the UK. It should be chaired by the Speaker, past Speaker or a Law Lord.

(ii) The Conference should consider the following, in principle, with regard to any possible assemblies: the system of election; revenue raising powers; a Bill of Rights to govern the Assemblies' actions.

(iii) Separate sub-committees should be formed of members from Scotland and Wales, and possibly Northern Ireland and England, to consider the various options, of which the Douglas Home proposals and the Government's Bill would be two, and to see whether they can agree on a way forward, or at least on a number of options, for their parts of the UK. In particular they would need to consider the powers, structure and operation of any assembly and its relationship to the UK government and Parliament. The members of the sub-committees need not all be members of the Conference. They should be selected in equal numbers from each of the Parties represented in the country concerned.

(iv) The sub-committees should report within 6 months of their appointment. At that point the Conference should consider their reports in the following respects: their proposals in their own right; the relationship of each proposal to the other; their implication for England; their implication for the role and number of Scots, Welsh and Irish MPs; and the relationship between the House of Commons and the House of Lords and the Assemblies, especially with a view to the possibility of these having a role in ensuring a dual chamber legislature.

(v) The minority report of the Royal Commission on the Constitution argued impressively that devolution should not be considered in isolation, in part because it was symptomatic of a wider disaffection with government. It believed that dissatisfaction would only be overcome by giving attention to other aspects of the Constitution and its institutions. Moreover, it suggested that to consider devolution in isolation would be to ignore the implications it would have inevitably for other institutions and to ignore the valuable possibilities it could open up in making those institutions more effective. Consequently it commented upon such matters as:

Effectiveness of the House of Commons in helping to develop new policies;  
effectiveness of the House of Commons in controlling the executive;  
effectiveness of the House of Commons in considering European legislation;  
the relationship between the Assemblies, Parliament and the European Parliament and MPs;  
reform of the House of Lords;  
and electoral change for the Assemblies.

While the national sub-committees are at work, it might be thought desirable for the conference, or other sub-committees, to give consideration to these aspects of the Constitution, together possibly with a Bill of Rights for the whole UK, both in themselves and in relation to devolution. In that way devolution could be placed more convincingly in a context of governmental reform rather than appeasement of the Nationalists. However, it would be undesirable politically to require agreement on these matters before any progress could be made on implementing proposals on devolution. These would be a matter of urgency.

#### 6. Timing

If this is to be the serious initiative that I wish it to be and not just a party political tactic, it will be necessary to suggest it before any guillotine is proposed, lest it should appear like a gimmick to try to defeat the guillotine. It seems quite possible that the Government might announce on Thursday their intention to try to obtain a guillotine during the following week. Consequently the most auspicious time would seem to be Wednesday.

F.P.