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DEVOLUTION *Wales*

A Paper of Options open to the Conservative Party

(paper by William Whitelaw)

The Constitutional Committee has had 8 well attended meetings. Many members have spoken on every occasion. I cannot remember any subject more exhaustively discussed in a Party Committee.

Little consensus of opinion on Scotland has emerged, though there is general agreement that an assembly for Wales is unwanted and undesirable and should be strongly opposed. On this basis we should continue to press the Government for separate Scottish and Welsh Bills.

Different Opinions

With regard to Scotland there are three identifiable strands of opinion:-

1. Those who want a directly elected assembly on the grounds that it would improve the good government of Scotland and is in line with the expressed wishes and convictions of the Scottish people. (A majority of the Scottish Party and a small number of the English Party).
2. Those who reject any assembly on the grounds that it would lead to the eventual break-up of the United Kingdom. (A large majority of the English Party and a small but extremely vocal minority of 5 in the Scottish Party).
3. Those who are prepared to accept an assembly out of political necessity. (A significant minority of the English Party). This group is divided between a larger number who wish to go further than the proposals put forward by the Party hitherto, regarding them as no longer adequate or realistic, and those who would only be prepared to accept an assembly if we went no further.

Options and their Implications

A. The Party could come out firmly against an Assembly

ADVANTAGES

1. It would unite the majority of English MP's, though at the expense of the hostility of the majority of Scots and a significant minority of English MP's.
2. It could lead to capturing the pro-Union vote, consistently shown in opinion polls as 20%; though as we are already identified as a pro-Union party this increase is unlikely to be very significant.
3. We could campaign as the Party of the Union and against separatism. This would have popular appeal in England and Wales.

4. It may be that in the short-term the Party would regain seats in Scotland as the Party of the Union.
5. There may not be much to be gained in being the fourth runners in the devolution 'race'.
6. If there were no assembly there would be no official forum in which discontent could be stirred up as a means of obtaining complete independence. Nor would the dangers of legislative and executive conflict with the Westminster Government and Parliament arise.

#### DISADVANTAGES

1. The Scottish Party would be split down the middle both in Parliament and in the country. The majority of Scottish MP's who have loyally backed the Party stand would be isolated and feel let down, as would the majority of candidates and party members who have repeatedly voted in favour of an assembly.
2. It is probable that the 11 pro-assembly Scottish MP's, including leading members of the Scottish Party both in the House of Commons and in the Associations, would feel unable to support the Party on this issue. As a result, the decision would be essentially one imposed by the English Party on a Scottish issue against the wishes of the Scottish Party. The Scottish Party would become isolated and, in as much as it was unable to influence the English Party on an issue of vital interest to Scotland, would be seen as no longer of any relevance in Scottish politics. Decisions made in future by the Party would be regarded as decisions of an English Party and hence suspect in Scotland.
3. English proponents of devolution would become more vociferous; at present the running is being made by the anti-devolutionists.
4. The Party would be going back on a number of commitments given over the last ten years, and endorsed by the Leader of the Party at the Scottish Party Conference in May 1975.
5. The Conservative Party would be the only Party to have identified itself with what would be seen as the "English backlash" and with the small minority (20%) of Scots who are opposed to an Assembly.
6. It is doubtful whether the change in policy would be seen as being pro-Union. It is quite likely to be seen as pro the status quo and, if forced by the English Party, as anti-Scottish and as desperately holding on to oil revenues.
7. There is a danger that the Conservatives would be returned to power with very few seats in Scotland and then would be faced with being regarded as an English government imposing policies on Scotland against its will as expressed in the ballot box. If the SNP won many seats, we would be pressed to give even more than is necessary now. Even if the

view expressed in paragraph 4 of ADVANTAGES were correct, there is a danger it would only be a short while before a Conservative Government was faced with a very strong SNP challenge in Parliament.

8. Conservatives in Scotland, especially the young, may believe the only way ahead for a Conservative in Scotland is to join the SNP and try to shape it into a right of centre party. The Conservatives could be left with a small solid rump of support but no mass following throughout the community.
9. If, as a result, no assembly were established the Government would be seen as having been defeated by an English backlash with which Conservatives would be identified. The SNP would cash in on the situation and would be able to present voting for the Party as an issue of loyalty to Scotland and, in the face of English hostility, this could have broad appeal.

- B. The Party could come out in favour of an Assembly (by implication not directly elected) without spelling out any details.

ADVANTAGES

1. It would be acceptable to the vast majority of English members.
2. It would be in line with our amendment in January.

DISADVANTAGES

1. It would be just as strongly opposed, perhaps even more so, by 11 Scots MP's as advocating no change.
2. It would be regarded in Scotland as reneging on our commitment almost as much as coming out firmly against an assembly.
3. It would be disliked mildly by 5 Scots MP's and to a great extent by those English who favour meaningful devolution.
4. Consequently, it would have fewer advantages than coming out firmly against an assembly and as many, if not more, disadvantages. Therefore, it would be likely to be the worst of both worlds.

C. The Party could stick to the plan for a directly elected Assembly on the lines of the Douglas-Home Report

ADVANTAGES

1. It would be accepted by 11 out of the 16 Scottish M.P.s.
2. The Party would have presented a consistent position over the years.
3. It can be defended on the grounds of good government regardless of the fortunes of the S.N.P.
4. By not going as far as the Government, waverers in the Parliamentary Party, and the lukewarm, might be prepared to give their support and the pro-Union people in Scotland would support us as the most pro-Union Party.
5. If elected, we could implement this policy regardless of the number of S.N.P. M.P.'s. Even if there were a large number we could say that this was the policy on which we were elected, we were prepared to stand by it and submit ourselves to the verdict of the Scottish people. If we had no policy for an assembly we may have to go further if there were a large number of S.N.P. M.P.'s.
6. As the anti-assembly movement builds up we could defend the minimalist position as the most sensible. There seems to be growing feeling in Scotland against too radical a step at this time. In this changing situation there could be an advantage, particularly in Opposition, in not committing ourselves too far in advance in too much detail.

DISADVANTAGES

1. Five Scots M.P.'s oppose this policy.
2. It may be risking a major party split amongst the English members over something that may be regarded as insufficient anyway.
3. Lord Home himself has now gone somewhat further in his recent speeches, thereby casting doubt on the value of these proposals.
4. If we were in government, could we get even this through?

D. The Party could move beyond its original proposals towards a plan for a scheme with complete responsibility in certain defined spheres, a Bill of Rights and Supreme Court

ADVANTAGES

1. Eleven Scots would accept this plan but five would find it even more objectionable than the other proposals. These five might therefore carry a larger number of the Scottish Party with them.
2. A significant minority of the English Party who are lukewarm towards devolution would prefer this proposal as being more realistic and constitutionally tenable. It would also provide a position on which a definite stand can be made, while acknowledging the desires of the Scottish people.

3. It would meet most Scottish opinion and obtain some movement away from the S.N.P. who in turn could only distinguish themselves by campaigning overtly for independence, rather than just pressurising for more powers for an assembly within the United Kingdom.

4. It is more likely that we could persuade the Government to amend its proposals satisfactorily in this direction than in the minimalist direction.

5. As a quid pro quo for English support, the number of Scottish M.P.'s could be reduced, though care should be taken here that redrawing the constituency boundaries is not in fact disadvantageous to the Conservative Party.

#### DISADVANTAGES

1. It goes further than many M.P.'s would like, and indeed many leading members of the Scottish Party, and the lukewarm might find it unacceptable.

2. The next step if there had to be one must be full federalism or independence. There appears at present to be little support for federalism. In any event federalism would raise the whole question of the English regions.

3. It would be difficult to oppose the Government's Bill in principle from this position. This would annoy a large number of English M.P.'s.

E. The Party could oppose the Government's Bill but stand for a directly elected assembly without explicitly defining its powers at this stage

#### ADVANTAGES

1. We would not renege on our commitment.

2. This would unite all those who favour an Assembly of some sort or who are prepared to accept one, including the majority of the Scottish party.

3. It would avoid making any commitments as to details of what we would do if we were in government at this stage, giving time to observe the progress of the Government's Bill and freedom to table detailed amendments purely in the context of that Bill without being accused of inconsistency vis-à-vis our proposals.

#### DISADVANTAGES

1. We would have no firm basis by which to test the Government's proposals and amendments to them.

2. On a major constitutional issue we would be accused of not having a view but of opposing the government for the sake of opposition.

#### CONCLUSIONS

My own entirely personal conclusions are as follows:

1. If we had never had a 'declaration of Perth', the Douglas-Home Committee and subsequent commitments, it would probably be best to stand against any assembly and fight as

the Party of the Union. In this view I diverge from Alick Buchanan-Smith and others who believe in devolutionary measures on their merits as leading to better government.

2. But, for better or worse, we have had the Douglas-Home Committee and the subsequent commitments and therefore to stand against any assembly would mean going back on our present position. I fear that this would be interpreted, not as the Conservative Party leaving itself free to fight for the Union, but as the Conservative Party in England forcing the Scottish Conservative Party to toe the line. Such an interpretation with its implication of English dictation would be very damaging electorally in Scotland.

3. I would favour the vague commitment to a directly elected assembly with no details if the possibility of an early general election was not in the air. But in current circumstances, I fear that such a position would not be tenable for the leadership of a Party ready to take over Government. And this would become particularly obvious in television interviews.

4. I would conclude therefore that our best position would be to stand on the Douglas-Home proposals for a directly elected Assembly tied to the Westminster legislative system and oppose the Government's Bill from that base. I realise that such a position can be attacked from many points of view but I equally believe that any other position is even more vulnerable.

5. Other Issues I hope we shall meantime keep an open mind on referenda, the method of election to any proposed assembly and the number of Scottish Members at Westminster. My reasons are as follows:

(a) I believe that at some stage a referendum will become inevitable but it is very difficult to predict now when that moment will be.

(b) I have no doubt that in the Party's electoral interest, the single transferable vote for multi-member constituencies must be the best method of election for a Scottish Assembly but I appreciate only too well the dangers from the United Kingdom point of view of advocating this now. It is something which would be better done as part of our proposals as a government.

(c) I am convinced that any substantial measure of devolution must be accompanied by a reduction in Scottish membership at Westminster but until we are clearly committed to a definite scheme in detail, it would seem wiser to keep our options open. This position would enable us, if we wished, to advocate such a reduction when discussing the Government's present proposals.