

CHECK AGAINST DELIVERY

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10 Years of Devolution

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A People's Parliament ?

Introduction

I am delighted to be here today to undertake the first in this series of reflections by MSPs on devolution, the first ten years and the future.

I was one of those first MSPs ten years ago and remember well the opening ceremony. You probably do too.

Donald Dewar made a great speech. Perhaps the greatest that has yet been made in our young Parliament.

As our first First Minister he wanted the first 129 Members of the Scottish Parliament to be conscious of the honour – and the responsibility – that lay upon our shoulders.

Ours was to be a people's Parliament and it fell now to us to realise the hopes and aspirations of the Scottish people.

- The Scots who came before us, organising in the pits and steelyards towards home rule.

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- The Scots who worked throughout the 1980s and 1990s through the Constitutional Convention to develop a vision for devolution, a Parliament dedicated to finding Scottish solutions to Scottish problems.
- The Scots who Voted Yes so overwhelmingly in the referendum of 1997
- The Scots who had voted for each and every one of those first MSPs and whom we now represented.
- And the Scots not yet born, for whom we held our new Parliament and our country in trust.

Donald called on those first 129 MSPs to listen for the voices of those Scottish people in one of the most often quoted passages of that great speech:

*the shout of the welder in the din of the Great Clyde Shipyards,
the speak of the Mearns rooted in the land,
the discourse of the enlightenment when Edinburgh and Glasgow were
indeed
a light held to the intellectual life of Europe.*

I remember he said something else to us that day too. Something more prosaic, but in its own way more profound:

We are fallible. We will make mistakes. But we will never lose sight of what brought us here: the striving to do right by the people of Scotland; to respect their priorities; to better their lot; and to contribute to the commonwealth.

Donald Dewar wanted us to keep two things at the forefront of our minds in the years to come: first, the Scottish people and second, their values. “To respect their priorities and to better their lot”

In this tenth anniversary year there has rightly been much consideration of how far we have come and where we still want to go.

Has devolution worked?

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Are the powers right?

Whither (or not) an independence referendum?

Calman White Paper

Two years ago, almost to the day, my predecessor Wendy Alexander came to this University to make one of the most significant devolution speeches of recent times. Her St Andrews day lecture anticipated the tenth anniversary and was a conscious launch pad for action and for change.

A few days later the Scottish Parliament faced down the opposition of the SNP administration, and endorsed a commission to examine the first decade and propose how the settlement should be modified and improved going forward.

Then the UK government added its endorsement – providing the promise that any change identified in areas reserved to Westminster would not fall at the first hurdle of schedule 5 of the Scotland Act.

The ensuing Calman commission was a remarkable achievement. Pulling together three parties, two parliaments and one government was an astonishing political stroke for which Wendy deserves far more credit than she ever gets.

Add to this the chairmanship of Sir Kenneth Calman; commissioners from groups as diverse as the trade union Unison and the Telegraph, as academia and Big Brother; a positive assessment of the first ten years; and then a unanimous report which recommends dramatic fiscal changes; and the whole exercise has been a remarkable one indeed.

The Commission concluded that the Scottish Parliament had served Scotland well, but that the first iteration of devolution was lopsided.

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It looked very carefully at constitutional settlements around the world and concluded that the Scotland Act provided Scotland with a very high degree of legislative devolution – more than most other national contexts. But it also concluded that the settlement gave a very limited degree of fiscal devolution – far less than in most other national contexts.

As a result the Commission proposed further devolution of responsibility in only limited areas – and those mostly driven by persuasive evidence they heard around airgun control for example.

The major changes they suggest are in the area of fiscal responsibility, most notably a requirement that the SP raise a significant proportion of its income tax through the setting of a rate of its own.

This to address the key weakness of devolution identified by Wendy; concerns about the degree of financial accountability and power exercised without sufficient financial responsibility.

In so doing Calman has tried, and I would argue succeeded, in squaring the circle of increased autonomy and accountability while sustaining the integrity of the union and the principle of social citizenship across the UK.

The Referendum Bill

So what then of that other publication this week: the SNP's referendum white paper.

Monday's proposals are in my view embarrassingly superficial and vague. 47 full page photos and no clear proposals. My favourite quote is from page 66: *"The role recommended for Scotland may be more apparent than real"*.

Indeed. I'm not very sure what that means for Scotland, but it seems a pretty accurate description of the document itself.

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Criticism has come even from some who have fought for independence all their lives, like Nationalist icon Margo MacDonald who describes the proposals as 'half baked'.

"The SNP have failed to make the case for independence; they thought we would get there by stealth."

I do not agree with Margo about independence, but I do agree with her that these proposals are fundamentally flawed because they are not honest. They do not offer a clear choice, they do not present a clear case.

By comparison the Calman process is a benchmark of how serious constitutional change should be developed and proposed.

Scottish Labour is not against a referendum in principle. But in my view any referendum must satisfy three criteria:

1. Timing: it must be at a time that is right for Scotland. That means not wasting Parliament's time when all politicians should be focusing all their efforts on helping hardworking Scottish families through the recession.
2. Certainty: it must offer a straight Yes or No choice to the people of Scotland: do we want to remain part of Britain or do we want to be separated from Britain? Multi option is not an option. A rigged and convoluted question is not an option. Yes or No must be the choice.
3. Finality: The decision must be final. It must not become the first step on a 'neverendum' as happened in, for example Quebec – where the nationalist party forced a return to the question again and again in hopes of getting a different answer.

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The SNP's proposed referendum meets none of these criteria. Primarily that is because referendums should be for settling a question. Theirs is designed to keep the question going. It is political ploy designed for SNP party advantage and not a genuine response to the voice or priorities of the people.

Indeed, as two recent opinion polls have confirmed, right now the Scottish people want their politicians focused on jobs and the economy. When it comes to powers 'it isn't what you have, it's what you do with what you've got.'

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The People's Parliament – the first decade

Labour's vision in the Constitutional Convention and then in the creation of the Scottish Parliament was of a parliament with a purpose, and that purpose was social justice. The Scottish parliament was created to be a powerful instrument of social progress.

We sought to address the democratic deficit of a different Scottish legal, justice and education system without a specific line of political accountability. We sought to bring the political leadership of Scottish civic life closer to the people whose lives it affected. And we sought to open up the democratic structures to greater accessibility and transparency to make them more responsive.

Our vision was to make Scottish politics – and politicians – serve the Scottish people better.

This was the driving force for the deliberations of Calman. That is why Calman chose to entitle his report "serving Scotland better".

Labour is sometimes accused of setting up the Scottish parliament in the belief that Labour would always be in charge. That is quite wrong.

For one thing PR ensured that no party was ever likely to command an overall majority. And for another the commonplace myth that Labour has "run" Scotland for decades is demonstrably untrue.

Labour has never commanded an absolute majority of the popular vote in Scotland at any election. Forty years ago Glasgow was a Tory, or Progressive, city; Dundee has been Tory and Liberal, and was only Labour for a relatively short time. Meanwhile when Labour took control of Edinburgh in 1984 it ended several centuries of uninterrupted Tory rule in one guise or another.

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No, the Scottish parliament was always going to be run at some time or another by someone who was not Labour.

And the tragedy for the Scottish Parliament today is not that the SNP emerged as the largest party in 2007, it is that they have diverted the Parliament from its purpose.

For this administration have not used the Parliament to govern, but as a platform for their campaign to break up the United Kingdom.

The parliament itself has been treated with contempt. The Scottish government loses vote after vote in parliament, but simply ignores it.

That is a real democratic deficit right at the heart of our parliament, and it is more than an interesting debating point.

Leaked civil service minutes, from the most senior level, have revealed that significant resources and personnel – 14 workstreams, each headed by a Director - have been devoted to preparing a programme for separation under the banner of the “national conversation”. The minutes further record that when it comes to dealing with colleagues at Westminster, the civil service should seek to generate – and I quote - ‘*conflict and confrontation*’. The civil service have dismissed concerns about this, on the basis that this is the policy direction of the executive arm which they serve.

But that executive arm has neither a popular nor a parliamentary mandate for this. In fact, the parliament has made clear that it rejects this policy and wishes it to stop.

If the executive is operating in defiance of the will of parliament, is that democratic?

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Is this a parliament being used as vehicle for social progress, or as a vehicle for something else?

Radical early achievements.

There were radical achievements in our Parliament's early years. Historic legislation abolished the remnants of feudalism in Scotland. The Land Reform Act opened this country up to its own people to enjoy, and gave rural communities the chance of owning the land on which they depended. A recent investigation by the Scotsman newspaper showed that ten years on, this has started to change the pattern of ownership of the land of Scotland.

As a Minister I myself helped pass the Adults With Incapacity Act and Scotland moved from having some of the most arcane incapacity legislation in the world, to the most modern arrangements anywhere.

Meanwhile on issues like the smoking ban or clause 2A (the Tories' 'gay ban') the Scottish parliament blazed a trail which the rest of the UK followed.

But just as Calman concluded that devolution had been a success but could be better in terms of its democratic architecture, so when we judge how it has delivered for the people of Scotland, we cannot fail to conclude that we could do better.

Identifying the 'Scottish problems'

For Scotland has many great things about it, but I think we all know that there are areas where we need to do more. Facing up to that is not "talking Scotland down". It is to look Scotland squarely in the eye and ask, how well are we serving the country we love?

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In his book 'The Illusion of Freedom' Professor Tom Gallagher, brings together a shocking collection of statistics in one place:

We are the fourth worst country in Europe for stillbirths and have more than double the number of drug-related deaths per head than any other European country. Scotland is the second fattest nation in the developed world, with only the United States having higher obesity levels.

The proportion of Scotland's working population reporting 'depression, bad nerves or anxiety' is a third higher than in the UK as a whole.

According to the World Health Organisation, Scotland's murder rates for teenagers and young adults are five times that of England and Wales. Estimates vary regarding the number of street gangs in Glasgow. Some place it as high as 170 – more than London, with a population six times as large.

Estimates suggest between 40,800 and 58,700 children in Scotland have a parent who is a problem drug user. In 2008, official data from the World Health Organization shows that by the age of 15, girls in Scotland are consuming alcohol at a greater rate than anywhere else in the world. They are also the youngest in the world to get drunk for the first time.

In education, between 1999 and 2005, incidents of classroom violence in Scottish schools increased from 1,898 to 6,899. Once world leaders in education, this is true no longer. In P5 maths and science we are 20th and 22nd respectively in a league table of 36 countries, and falling down the list.

Amid the many appraisals of the first devolution decade published this year, John McLaren produced a short analysis that ignored the constitutional debate altogether and sought instead to assess the success of the Parliament by results. It used overarching measures to assess overall progress, rather than analysing the impact of individual policies on individual areas. So for example in health, the key measure was the most basic outcome from living in a healthy environment – how long people are expected to live.

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This of course is not all down to the NHS - indeed that is the point. The impact of poverty, healthy behaviour, lifestyle, all play a part and the study sought to see if there had been a change since devolution.

The report found that life expectancy has indeed increased for Scots, but in the last ten years it has increased more slowly than in England. Likewise in education, where over the last decade England has caught up and then overtaken Scotland in terms of results at 16.

One possible explanation is that we have not done enough in this first decade to encourage a 'competition of ideas' in our politics. If we are to address the serious problems that face our society in the next phase of devolution then we must work to draw in expertise and ideas from a far wider pool of people

Who has devolution benefited?

Recent exchanges in parliament and in the press have drawn attention to the significant salaries paid to the heads of those agencies which are often answerable to the Scottish government or even to the Parliament itself. Six quango chiefs are paid more than the First Minister, indeed more than the Prime Minister. The First Minister's efforts to reduce these bodies in that clichéd "bonfire of the quangoes" have turned out to be just as ineffective as previous attempts by for example Henry McLeish.

One of the criticisms of the early days of the parliament was that it consulted "too much" – a comment not on the desirability of consultation, but rather the rise in the level of government activity driven by the new tier of government.

Those complaints have been less heard of late, but I do not necessarily think that anything has changed, maybe we are just getting used to it. The public and quasi-public sector spend a lot of time responding to these, and in many cases consultants are employed to design and to analyse the consultation.

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Meanwhile, the media coverage of Holyrood has settled down a little with the days when there were more journalists accredited to the parliament than MSPs a slightly fevered memory. However along with 24 hour news cycles, blogging and twittering there is still a substantial Holyrood lobby that is trapped inside the bubble as much – if not more – than the politicians.

And for those journalists who fancy a change and politicians who find change forced upon them there is always the public affairs industry. Legion are those individuals and companies who stand ready to advise and facilitate that access to the corridors of power – in my experience all done with the greatest propriety, but also in my experience not always really necessary.

My point is this.

If we are not careful, there is a danger that the greatest beneficiaries of devolution may not be the Scottish people, but rather some of the elites around government, governance and politics. The commentariat, the chattering classes, the bureaucrats, the apparatchiks - all the ways of characterizing them tend to be prejudicial. I think that is unfair. Not just because it includes politicians like me - but because all of these groups have an important role in our public life.

But we are a small country and sometimes it seems to me that we have created an even smaller community around our young Parliament. The competition of ideas may be stifled by a culture that is too inward looking and incestuous. We focus too much on personality and process and not enough on the issues that the Scottish people care about. Our politics needs the chattering classes, but we have to be sure we are chattering about the right things.

So if Calman is the right next phase in the settlement, what is the right next phase in our politics?

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If we have to rebalance the constitutional architecture between legislative and fiscal powers, what is the rebalancing we need to do around our politics.

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Moving from a politics of identity to a politics of values

I believe that if we are to serve the people and reverse those statistics, then we must move Scottish politics away from the politics of identity and more towards the politics of values.

The argument for the Scottish Parliament centred around Scottish solutions for Scottish problems. But our 'Scottishness' was not supposed to be the solution, nor is it sensible to try and make it so.

For example the report I mentioned earlier suggesting Scotland has been overtaken by England in health and education. Here is the official Government response:

"[This] shows that devolution cannot realize Scotland's full potential, which is why we need to move towards independence"

This is nonsense – on stilts. Worse, it's a cop out.

We have complete control over delivery of health and education and a higher rate of public spending on both. **What the report shows is that we should be doing better for the people of Scotland.**

Scottish people believe in education. They believe that if they encourage their children to attend school and work hard there, then they will do as well as anywhere in the world. Our job is to make this happen. If it is not happening then our job is to listen.

As we did on anti social behaviour. When I first became an MSP in 1999 raising the concerns of constituents whose lives were disturbed by youth disorder or bad neighbours was a frustrating business. The police would say no crime was being committed. Councils would say they had no power to evict such tenants.

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Eventually the Scottish Parliament did something. We created powers whereby the police could act on the low level disorder which previously had been ignored. We gave councils, and then housing associations, the power to evict tenants who made their neighbours' lives a misery.

Some in the commentariat said we were demonizing young people. We did not understand the stresses of deprivation and alienation.

The truth is we finally did understand the stresses faced by those living in constant fear of disturbance, threat and intimidation. We finally reflected the values of people in our communities who think that everybody has the right to live in peace in their home and in their street.

Donald Dewar, in that opening speech to the parliament said

This is about more than our politics and our laws. This is about who we are and how we carry ourselves.

Exactly. It is about the respect we have for others and the respect we can reasonably expect from them. It is about the degree to which the society we create reflects the values we hold.

Take the issue of child protection, on which I have spoken recently. The parliament tends too often to focus on this only when the most extreme tragedy happens, as in the recent case of a 23 month old boy in Dundee who was killed by his mother's boyfriend.

That boy's death was a tragedy but so too was his life. He lived in a flat with one bed, no bedding. Around him drug taking and prostitution. He was clearly fending for himself. What chance did he ever have in life, had he survived? There are tens of thousands of children living in these conditions. We should not be surprised if many Scots feel ill at ease, knowing that their society fails

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to reflect their values of decency and respect and fairness to this degree. That is why they feel politics is letting them down.

I want a debate on this, and I want it to be a debate about morality and values, not about numbers of social workers or whether we are better or worse than England.

The Scottish parliament should be debating

Respect,

Solidarity

Equality

Fairness

Compassion

Community

Citizenship

A Belief in education, in hard work and in service

And how we promote and embed these values in the everyday life of our country. Then we will be a peoples' parliament.

I think there is a real willingness now to ask these questions. The banking crisis and its aftermath have posed serious questions about how we recover our economy.

But they have also posed serious questions about who we can trust, and what happens when greed colours or drives the decisions of the powerful.

Next year is the 450th anniversary of the Scottish reformation. Whether that is worth celebrating or not I leave to others and another time.

But I note that the reformation was built on the idea of education for all, and the Scottish parliament of 1696 saw fit to legislate for a school in every parish.

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This was all about literacy – the capacity to read the bible and to draw your own conclusions. This was empowerment – not just to understand the world, but to shape it. This is why so many of the Scots who emigrated to the USA were doctors, scientists and founders of universities. It was not our tartan but our teaching which earned us respect around the world.

Later this week I will attend the launch of a report by the independent Commission on Literacy set up by my colleague Rhona Brankin.

If it shows, and I think it will, that 450 years on many Scots leave our schools functionally illiterate then I will commit Labour in the Scottish parliament to end that scandal. We know how to do it and it is immoral to allow it.

Scots believe that our schools will teach their children to read and write and count. We should not let them down.

This is why that old Scottish parliament was “reconvened” as Alex Salmond loves to have it. Not to concern itself with the kind of parliament it is, but rather with the kind of Scotland it wants.

In the book of his legendary Harvard Justice Course, Michael Sandel challenges us to imagine a politics which takes moral questions seriously and brings them to bear on broad economic and civic concerns. Not just about how we distribute things, but how we value them.

He quotes Bobby Kennedy. “even if we act to erase material poverty...there is another greater task. It is to confront the poverty of satisfaction which afflicts us all”

The first decade of devolution has been a success. We got the balance of powers broadly right. But there was a significant gap around ensuring the Parliament is financially accountable for its decisions. Calman has given a

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clear roadmap for the way forward and we should get on with that as quickly as possible.

And then, we need as a Parliament, to hear what really matters most to the people we represent and get on with the job they want us to do.

to do right by the people of Scotland; to respect their priorities; to better their lot; and to contribute to the commonwealth.

To be in other words, a People's Parliament.

Iain Gray

Scottish Labour Leader

2 December 2009