INDEPENDENCE IN EUROPE

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The current slogan of the Scottish National Party (SNP) – “SCOTLAND’S FUTURE: INDEPENDENCE IN EUROPE” has been arguably one of the most successful in post-war political history, certainly one of the three best slogans the SNP has produced.(1) It has apparently received much support from the public and has naturally been attacked by the Party’s opponents and by dissident nationalists alike. The attacks have tended to allege that it is “meaningless”, “just a slogan”, “dangerously misleading” or (from dissidents) a terrible mistake or betrayal. It is also frequently alleged that in adopting this campaigning slogan the Party did an abrupt, dramatic U-turn, at the Inverness Annual National Conference in September 1988. In this article all of these aspects will be considered, as will the question of whether the Independence-in-Europe position entails a retreat into (or confident reassertion of) fundamentalism or whether on the contrary it opens up prospects of greater success for the national movement, and wider support for the SNP, than heretofore. Indeed the fascination of the slogan arises from its ramifications: for the Party; for the future development of Europe; and - by no means least - for the current debate about Scotland’s constitution, which, as McCrone says, is intense and vibrant.(2)

Popular Appeal

Opinion Polls have revealed a substantial body of support for Scottish Independence-in-Europe, although care must be taken in their interpretation. In answer to the broad question of whether, after 1992, Scotland’s interests would be better served if Scotland were an independent country within the European Community (EC), a majority of respondents (54%) said that they would be better served (System III poll). In a MORI poll (February 1989) 24% of people supported the option of “an independent Scotland which is separate from England and Wales but part of the EC”, a further 11% preferred the option of “an independent Scotland which is separate from both England and Wales and the EC”. Before looking at this support for Independence-in-Europe in more detail, it is worth setting it in the context of two other factors.

The first of these is the sense of nationality. As Moreno points out,(4), the sense of an exclusive Scottish nationality at 39% is far higher than exclusively Catalan national sentiment. The exclusively Scottish national feeling revealed in the 1986 poll compares with 54% of respondents who see
themselves as having a dual nationality (both Scottish and British), what the late John P Mackintosh used to describe as the key to understanding Scottish attitudes to constitutional change. This ties in with the point made recently by McLean: "... despite the SNP being marginalised for the first part of the decade, and despite the issue of Independence being equally off the agenda in terms of scarcely being discussed in any way by the media until recently, the Scottish people of their own accord started making a very fundamental shift in their attitudes which reflected a far more deep-seated growing divide between Scotland and England"(5).

What is intriguing is that support for an independent Scotland within the EC is so much higher than support for Independence simpliciter. Miller has recently documented this very usefully.(6) In a poll commissioned by Scottish Television, when people were asked whether they wished to retain the Union with England, a majority wanted to retain the Union with England. But, when the same people were asked whether they would like an independent Scotland within Europe, there was a majority for that option also. From these figures, 28% were Unionists who wanted Scotland to remain in the Union with England and also wanted the UK to represent them in Europe; 34% were Nationalists who wanted to end the Union with England and wanted direct Scottish representation in Europe; but 26% wanted both options, i.e. to keep the Union with England but have direct Scottish representation in Europe. The latter group have thus not adopted a consistent nationalist position and perhaps the best label to apply to them would be a borrowed term from Spanish, independentistas, or, less appealingly, "Euro-Nats". I would argue that this sizeable chunk of voters is pivotal for the future direction of Scotland's constitutional position.

So how is one to account for the apparent popularity of Independence-in-Europe? It is implausible to argue that such a sizeable number are in favour of something they do not understand. They must understand something, and something attractive, in the idea of Independence-in-Europe. In the absence of survey data it must be a matter for surmise, but clearly one strand is a recognition of the growing importance of the EC, and an acceptance of the Common Market (as it is still commonly termed), dating back to the referendum of 1975 when Scotland said Yes. Moreover the idea of direct Scottish representation, via a Scottish government, in Brussels had majority support four years after that referendum.(7)

The other strand must refer to the desire for Scottish democracy: i.e. that the will of the majority of voters should be reflected in government policy (and personnel). The imposition of the poll tax on Scotland alone, despite its explicit and dramatic rejection in the 1987 General Election, is but the clearest example of the violation of this Scottish democratic principle.

It may well be that this line of reasoning accounts for the rise in support for Independence per se but it does not explain the additional support for Independence-in-Europe. Is it just the case that the 26% already mentioned, as Professor Miller says, "... want to have their cake and eat it"?(8) Or is there something which observers are missing? By far the most likely explanation is connected with the dawning realisation of 1992 and the Single European Market: in other words the realisation that an independent Scotland in Europe could not possibly entail isolationism, let alone the old-fashioned scaremongering of an English trade war, sealed borders, scorched earth policies or even that old bogey, customs posts and mile-long queues of cars at Berwick. Another way of putting this is that the perception of Scotland as a European nation, not just by those in professions such as the law but by a mass of Scots who have first-hand experience of the Continent and by others who see nothing incongruous in Scotland's being pitted against Denmark or Portugal on big sporting occasions such as the World Cup or European Cup. It can only be conjecture in the absence of any comparative data, but it is a fair bet that there has been a shift of interest this century from the British Empire via the Commonwealth to Europe. That this trend - encouraged by Brussels - will accelerate there seems little doubt.

Meaning of "Independence-in-Europe"

It is obvious that Scotland forms part of Europe, that Scots are Europeans just as are Icelanders, Sardinians, Scandinavians, Australians and Germans. And Maxwell is right to protest at "the vulgar identification of 'Europe' with the European Community."(9) So in that sense it is obvious that an independent Scotland would always be as much part of Europe as - dare one say? - Albania. But there is the rub. Albania may have had a bad press, but the fact remains that for a stubborn majority of Scots "Albanian" status has little appeal, whereas "Danish" status appears very attractive. Now, most Scots may know little of Albania but they can identify with Denmark; and not only would see nothing outrageous in aspiring to such status but are impressed with the strength of the free trade area which will be in place by 1992. As Gordon Wilson has put it, "Scotland cannot afford to be left in the cold".(10)

The other key word clearly is "independence". Danish, or for that matter Irish (or in future Austrian) status is a shorthand, but it is hardly lacking in clarity. The independent Scotland proposed by the SNP is a member of the United Nations and all its agencies, like the above-mentioned-countries; would be a constitutional monarchy like Denmark; and would be a non-nuclear country like the Irish Republic and Austria. Like Canada and New Zealand we would share a monarchy with the English. In addition to membership of international organisations - which
provides excellent opportunities for making a direct contribution on issues involving the whole of the human race – Scotland could set up legations (not to mention Lerwick and Aberdeen) will indicate the countries which already see it as useful to have direct representation here, and one would assume reciprocity on our part as the first step. One last point has occasionally been raised as a problem: the delimitation of the Anglo-Scottish Border in the North Sea and the consequent control of the off-shore gas and oil fields. Fortunately there is now such a body of expertise and so many precedents in international law that this should not create any novel, let alone any insoluble, problem here. It may be worth mentioning the SNP’s longstanding position of an Association of States of the British Isles (ASBI), modelled on the Nordic Council, which would have a permanent commission and regular meetings on the many matters of common interest such as the railways, and posts and communications generally.

It may be objected that simply defining “independence” and “Europe” as above misses the point of the special relationship which follows as a consequence of membership of the EC. The most fervent anti-Marketeteers argue that independence and EC membership are mutually incompatible. That so much sovereignty has been lost by London, Bonn and Lisbon that these are no longer the capitals of independent states. Others, like Maxwell, argue more cogently that there is a “basic contradiction in (the) SNP’s position on the European community. The SNP is trying at one and the same time to be Integrationist and Nationalist.” Now, this raises the important question of the future direction the EC will take. But if it is a problem for a future government in Edinburgh, then the dilemma is equally applicable to Rome, Copenhagen and Paris.

Fortunately while there is an on-going debate about the future development of the EC, the existing position is set out in explicit detail. No one can seriously allege that the institutions of the EC are obscure and unknown: despite appearances of Byzantine complexity in the decision-making processes of Brussels, we are not talking about joining the Ottoman Empire. Disregard the rhetoric of the Monets, the Dooges and the Spinellis so often quoted by Euro-fanatics and their equally determined opponents. Every step taken, from the days of the European Coal and Steel Community onwards, including The Treaty of Rome and the Single European Act, was fought over and agreed on line by line. The implications for Scotland are all spelled out concisely and clearly in the Sillars booklet produced early in 1989.

Thus the dissolution of the Anglo-Scottish Union and the consequent readjustment of membership would mean essentially a seat at the “top table” (i.e. the Council of Ministers) for Scotland. The Luxembourg
Malta, waiting to see if Brussels would say ‘yes’; Meantime economic disruption, chaos and depression would be inevitable. Furthermore – and this is the key argument – the legal unanimity rule would hand the United Kingdom a veto, which she would not hesitate to use even if no other Member States did. This is the argument deployed by Baroness Elles, then Conservative MEP for the Thames Valley, in television and radio programmes in early 1989. That she was then Convener of the Legal Affairs Committee of the Parliament lent an apparent authority to her views, which were shared by Labour MEPs from both Scotland and England.

Central to this argument was the view that the Anglo-Scottish Treaty of Union of 1707, which created the United Kingdom in the first place, was of no importance: that the Kingdom of England (which incorporates the Principality of Wales), with or without part of Ireland, would simply occupy the UK seat, hoping that the change of sub-title (and change of flag) would not register with other Member States. Also central to the proposition was the idea that Westminster would, by excising Scotland from the UK, automatically and unilaterally expel the territory of Scotland (one-third of the land mass of Great Britain) from the EC, then use the veto to keep the Scots out.

This scenario seems to me to be most implausible. There is at least the possibility that the other Member States would incline to the SNP view that – as with the amicable dissolution of the Swedish-Norwegian Union – the ending of the Anglo-Scottish Union would leave two successor states, respecting their inherited treaty obligations and both keen to be “good Europeans”, each entitled to negotiate a new arrangement with the EC to accommodate the new situation. Such at any rate was the view of Professor Emile Noel (President of the European University in Florence and former Secretary-General in the European Commission for 20 years until his retirement in 1987), who stated:

“There is no precedent or provision for the expulsion of a member state, therefore Scottish independence would create two member states out of one. They would have equal status with each other and the other eleven states. The remainder of the UK would not be in a more powerful position than Scotland”. (18)

If Noel is right, and England would not be in a position to use the veto, then the question is whether the other Member states would prevent Scotland (and England) from separate participant membership of the EC. This could be done by a majority of the European Parliament, or by the government of any Member State. How likely is the application of such a veto? As regards the loss or expulsion of people and territory from the EC, it would certainly run completely counter to the preferred view in Brussels of an inexorably expanding Community. It would also run counter to the experience of the Greenlanders who had to negotiate for several long years before they were allowed to leave (and, while they negotiated, the free trade arrangements remained intact).

It has however been argued that the real fear would be that a Scottish precedent would be seen as opening the floodgates – that all de Rougemont’s “submerged nations”(19) would demand the same, thus creating the nightmare of “l’Europe des cent drapeaux”. For what it is worth, my view is that only the Basques are likely in the foreseeable future to wish “Scottish” status. But calculations will have to be made in such circumstances as to what will best serve the interests of an EC which has always prided itself on its democratic basis. (20)

The last obstacle raised in debate is that international capital, but more particularly British firms with headquarters in England, would pull out of Scotland, thereby creating dislocation and mass unemployment. This assertion is odd because it presupposes that firms act out of political motives (loyalty to London) against their own best (economic) interests. That oil companies in particular would desert the Scottish sector of the North Sea does seem unlikely. Of course, a lot would depend on the policies pursued by a Scottish government, which would be well aware of the views of large companies, particularly in matters of taxation. But if taxation were in fact reduced in Scotland, and the currency were prudently managed and aligned, then it is hard to see the primae facie reasoning behind this obstacle.

Origins of “Independence-in-Europe” Campaign

The formal adoption by the SNP of the slogan “Scotland’s Future – INDEPENDENCE IN EUROPE” for the 1988 Annual National Conference was undertaken at a Senior Officer Bearers meeting(21) earlier that year and homologated by a massive majority of the Conference delegates meeting in Inverness. As Jim Sillars has said,(22) that conference resolution embodied the clarion call which removed any remaining doubt about the Party’s position vis-à-vis the EC – and this despite the fact that the commitment to holding a national referendum on membership (on the terms negotiated by a putative future Scottish government) remains Party policy, which could theoretically lead to a decision by the Scottish electorate to pull out of the EC.

There remains therefore an enigmatic aspect to all of this: has the SNP done an abrupt U-turn on the issue, or did Inverness mark nothing more than a further stage in the development of Party policy? And, while that change (abrupt or gradual) was taking place within the SNP, was the rest of the nation ignoring the whole question?

There are a few recorded instances of discussion of Scotland’s future relationship with the EC before the 1975 referendum campaign. Billy
Wolfe's semi-autobiographical book *Scotland Lives* makes reference to the issue(23) in 1973. The Kilbrandon Report, published the same year, has some discussion of the impact of the EEC on prospective devolved assemblies and devotes several paragraphs to a discussion of the "effects of UK entrance to the EEC on separatism".

The effects of Community membership on the separatist case generally are not such as to alter the main conclusions reached in this chapter. The potential viability of Scotland and Wales as independent states depends essentially on the political will of their own peoples, and is therefore not crucially affected.

The effects of membership on the economic arguments for separatism can only be guessed at. If Scotland and Wales were to leave the Community on becoming independent, a customs barrier would go up between them and England. They would be denied free access not only to the English market but to the whole of the Community market. On the periphery of Europe, and with their industry still in need of reconstruction, it seems most unlikely that they could on their own revitalize their economies and compete successfully with their neighbours. Certainly their prospects in that situation are not such as to enhance the case for separation from England.

If on becoming independent Scotland and Wales were to be accepted as members of the European Economic Community in their own right, there would be no customs barrier with England. Membership of the Community by England, Scotland and Wales would in itself require a customs union between them. But the economic prospects of Scotland and Wales would not obviously be better than they would be if they remained within the Community as parts of the United Kingdom. Admittedly they would be separately represented in Brussels and would be able to press their own case. But within the United Kingdom they could benefit to the maximum from both United Kingdom and Community regional policies; they could be treated in their entirety as assisted areas; they could expect to receive special United Kingdom funds for industrial development, and to benefit from restrictions on industrial development in other parts of Britain; and they could be accepted in Brussels as parts of a member state deserving special financial help. If they were outside the United Kingdom they would lose the benefit of United Kingdom regional policies, including the diversion of industrial development from England, and might have difficulty in persuading the Community that their whole territories should be regarded as areas qualifying for special assistance. As small and relatively inaccessible markets they would be offering little in the way of economic advantage to the Community, but would be in need of the maximum help from it.

494. Our general conclusion is that, while the United Kingdom's entry into Europe does not rule out the separation of Scotland and Wales, it does not make it any more attractive; in particular, it might add to the already considerable economic difficulties which would face Scotland and Wales as independent states.(24)

Jim Sillars had alluded to the case for Scottish independence within the EEC in Parliament(25) in 1972 and followed this up with a pamphlet in 1975 in the immediate aftermath of the 1975 referendum(26).

It was in fact the unexpected affirmative vote for continued UK membership of the EC which led many in both the SNP and the Labour Party in Scotland to rethink their position. The two parties between them were unable to "deliver" a vote against EC membership. Respect for the democratic process and the solemn weight of the referendum decision moved many Nationalists towards a turning round of the 1975 campaign slogan ("NO VOICE, NO ENTRY"). They felt that the negative should be turned into a positive affirmation that Scotland should have her own direct say in the EC as a Member State, always provided that this, and the terms of the membership, were duly endorsed by a referendum. In 1975, the pro-EC faction (in greater or lesser degree vocal) included Professor Neil MacCormick, George Reid, MP and others with broadly liberal sympathies such as Murray Normand of Mull. To them was added the influential weight of Winnie Ewing, MEP, who convinced her Party that Strasbourg was far more sympathetic to Scotland than was Westminster. The political passage of Jim Sillars(27) from Labour through the *independenista* Scottish Labour Party(28) to the SNP brought powerful additional reinforcements, this time explicitly from the Left.

At any rate the proportion of SNP members prepared to accept the EC as a fact of life, and argue for Independence within the Community, grew steadily from 1975 to the 1984 conference. As Mitchell documents,(30) the coalition of leading members identified with different tendencies within the Party was sufficient to produce an 80% Yes vote at Inverness in 1988. What the 1988 Conference did was finally endorse the change of emphasis – and launch Independence-in-Europe as the Party's flagship policy and its slogan for the Euro-elections of 1989.

**Neo-Fundamentalism or Revisionism?**

There is a certain irony in the fact that the SNP's newly launched flagship has been assailed from opposite directions. On the one hand many non-Nationalists, particularly those in sympathy with the Constitutional Convention project, are accusing the SNP of a revived fundamentalism: "the surge in SNP support persuaded many that the fundamentalist position of 'Independence, Nothing Less' lay behind it.... The decision-making councils of the SNP voted not to enter the Convention, but to rally under its..."
new-found slogan of ‘Independence in Europe’<sup>(x)</sup>

On the other hand there are a number of nationalists (some of whom have left the SNP to join the Scottish Socialist Party or in one case threatened to field a Scottish Sovereignty candidate in the Highlands and Islands) who are bitter at what they regard as a sell-out of the Party's principles. They are convinced that the compromise on sovereignty inevitably entailed by adherence to the EC Treaties is a betrayal of a true Nationalist ideology.

My belief is that neither position does justice as an explanation of the SNP's current mood and position. What the SNP has at the time of writing is a feeling of buoyancy at being the second party in Scotland (in terms of votes cast and opinion poll figures), coupled with a new confidence that it has found the right slogan with which to rally support. This feeling unites the broad mass of the Party, although there are convinced gradualists, and equally convinced “Albanians”, who are not in agreement with the Party line.

The Party's line on gradualism versus fundamentalism has, as Mitchell explains<sup>(y)</sup>, been resolved by recourse to the device of a directly elected constituent assembly (constitutional convention), and/or to a referendum on Independence. The real split over the CSA type of convention was whether to accept such a non-elected body (with an overall Labour majority to boot) or whether to hold out for a convention, and/or multi-option referendum, in line with existing Party policy.

Key to Unlock Wide Support?

The appeal of Independence-in-Europe in opinion polls has been stated above. Yet in the recent European elections, despite a significant swing towards the SNP and Greens, only 26% voted SNP (and another 7% voted for the Scottish Green Party with the policy of Independence outwith the EC). The “devolution” parties (Labour and SSLD) got just under half the votes and the pro-status-quo Conservatives one-fifth. All of which produces a result, on the face of it, close to the average preferred constitutional options produced when the conventional questions are asked in opinion polls;<sup>(z)</sup> it does not apparently reflect any mass shift in voting pattern away from Labour to the SNP. Nevertheless there is every reason to put one's faith in the “idea whose time has come”. The important factor is not only the size of the independentista cohort in the population (i.e. those who believe in Independence-in-Europe) but its appeal to leaders of Scottish opinion. John Pollock, former Chairman of the Labour Party in Scotland and former General Secretary of the Educational Institute of Scotland, is one such example.<sup>(a)</sup> The Chartered Accountants who voted against a merger with the English CAs are likewise independentistas – and will surely set about forging links of a confederal nature with their counterparts in other European nations. The same must likewise be on the cards for other professional bodies, for the churches, the STUC, trades unions and sporting bodies etc which are not part of a UK organisation: their future lies with Europe, through direct Scottish participation.

Even the business community, while it may oppose devolution (particularly with an unreformed electoral system) on the grounds that it would impose heavy additional taxes on private enterprise, ought to be able to see that the position is likely to be different with Independence-in-Europe, while 1992 makes all of the EC into one single market anyway. How would the lobbying activities of the Scottish Fishermen’s Federation and the National Farmers Union best be carried out – via Edinburgh or via London? The question is virtually rhetorical.

The Future of Europe

There are so many visions of Europe, so many models and so many labels – most of them more familiar in French, the working language of the EC. There is also ample scope for confusion when apparently common terms like “region” or “province” or “nation” are applied differently in different languages and different contexts – an example being “fédéralisme intégral”, which is best translated into English not as “integral federalism” (which sounds very centralist) but as “maximum devolution”.

Nevertheless aspirations for the future of the EC can be broken down along several lines. First there is the question of centralisation versus decentralisation. Within the centralist camp there are those who seek ever closer unification of Europe, with the eventual aim of having a single state with control of external policy and defence, and a single currency. This would mean one seat at the United Nations instead of the current twelve. There would be one EC diplomatic corps, one army, navy and air force, and probably one working language (French, English or Esperanto). The model usually implied by this is the United States of America or possibly Canada. Against this ambition stand those who believe in states rights, who prefer a confederal solution. In such a confederation there would be conferred upon the central government only such powers as the member states agreed to transfer. That is the position of the SNP and it is not dissimilar to the current EC.

The next question, overlapping with the first, concerns identity. The integrationists want people to feel European first and foremost, albeit recognising the cultural complexities which exist. The nationalists (or cultural nationalists) who resist the Euro-fanatics see the diversity of Europe's nations as lying at the core of being European. In particular they hate the thought of a Western Europe which became, through a melting pot process, a transatlantic version of the USA. Clearly the SNP are aligned with the patriots on the question of identity and culture.
The next question concerns the appropriate units for the exercise of democratic rights – nation states in the confederal vision, or national provinces in the federal solution. Here the SNP makes common cause with other nationalist and autonomist movements which wish boundaries to coincide with nationalities. The ambition is no less than the redrawing of the map of Europe, to reflect the national identities of its constituent peoples. Opposition to such an ambition can be expected to come not so much from Brussels as from the capitals of the multi-national Member States such as the UK, France and Spain.

One ought to link this last issue with the exciting question of Eastern Europe and in general the expansion of the European Community to include the entire “common European home” which Gorbachev talks about. Here the SNP’s position would favour such a development. Expansionism versus consolidation could well become a very contentious issue within the EC.

The next issue concerns democratisation, and how the peoples of Europe, and individual Europeans, can exercise greater democratic control over their rulers. Some aspects – guaranteed human rights, for instance – are theoretically easy to deal with. The powers of the European Parliament, and its composition (eventually bicameral, according to a variety of proponents) are but one aspect of this, and a problem of intermediate difficulty in that certain steps would find ready acceptance pending agreement on the really key issues of the future distribution of power within the Community of the future. As a general principle the SNP is committed to a participatory and democratic approach to the expansion of democratic rights.

On a different plane are questions of economics: of free market versus intervention, of allocation of resources across the Community. The SNP, like most political parties, believes in a mixed economy but would certainly take an interventionist line and argue that the periphery and the disadvantaged areas should be assisted to reduce disparities, and to prevent the current merger and takeover mania from totally dominating all our peoples.

What is essential in considering the future of Europe, and Scotland’s future within it, is to establish the position on each of these scales (some of which are bipolar, others being more accurately described as a spectrum). The outcome of each of these separate but interlinked debates will settle the future of Europe. I believe it is both essential and inevitable that Scotland play a direct part in determining that future.

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References
7. Ibid., p.18.
8. Ibid., p.25.
9. Vide Sillars: “SNP policy and my own role in its making has been denounced time and again as opportunism. That we had to find a way out of the ‘separatist corner’, and saw Europe as a handy way to do so”. J Sillars, Independence in Europe, Glasgow, 1989.
12. Such was the position of the abortive “Scottish Sovereignty” candidate for the Highlands and Islands Euro seat in 1989.
16. See Scottish Centre for Economic and Social Research, Monetary policy options for an independent Scotland, Edinburgh, n.d. [1989].
21. In which the writer participated.
22. Op cit, p.3.
26. Ibid.
28. See H M Drucker, Breakaway: the Scottish Labour Party, EUSPB, Edinburgh,
32. See the relevant Reference Section in each year’s *Scottish Government Yearbook*, USGS, Edinburgh.