

# **MEETING OF THE PARLIAMENT**

Wednesday 19 December 2007

Session 3

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## Scottish Parliament

*Wednesday 19 December 2007*

[THE PRESIDING OFFICER *opened the meeting at 14:30*]

### Time for Reflection

**The Presiding Officer (Alex Fergusson):**

Good afternoon. The first item of business is time for reflection, and our time for reflection leader today is the Rev Kathy Galloway from the Iona Community.

**The Rev Kathy Galloway (Iona Community):**

I want to know what makes your heart leap  
I want to know what makes your soul sing  
I want to know what keeps you believing  
I want to know what keeps you breathing?  
Christmas interrogates us!

Three years ago at Christmas, the Iona Community accepted an invitation from a church in the South African township of Gugulethu, where thousands are living with HIV/AIDS in the midst of great poverty. They sought someone to accompany them, to share the burden of understanding God's presence there and to wrestle with the question: in the midst of so much suffering and death, what does it mean to affirm life? We knew that, in order to approach that task with integrity, it was also a question for us in our lives, our Community and our nation.

We learned from the courage, faith and cheerfulness of people in Gugulethu. We reaffirmed the importance for our Community of walking with people, being alongside them in presence and compassion: survivors of domestic abuse, people who are ill, bereaved or marginalised and especially young people.

There are times when I have been close to the edge  
drunk on memories of fists in my flesh  
and haunted by darkness and screams of death threats

To be young in some parts of Scotland today is to have the expectation that your life will be poor, violent and short. The potential of too many young people—made in the image of God—is being lost. The Iona Community's Jacob project accompanies young offenders in the transition from prison to participating in the community. But young people also have great gifts to offer. Our youth associates have visited Palestinian and Israeli young people, raised money for bicycles for young refugees in Lebanon, learned about unsung peace initiatives and forged links of solidarity from a situation that we have come to associate with violence and death. We believe that there is no more important task than the accompaniment of young people—

those at risk and those with great gifts to offer.

I wake now with the light warming my face  
I wake now with laughter in my heart  
I stop and notice with just one breath  
that life is for living and I smile at death  
so I can tell you what sustains me...

This is our Christmas hope and prayer for South Africa, for the Middle East and for Scotland.

## Business Motion

14:33

**The Presiding Officer (Alex Fergusson):** The next item is consideration of business motion S3M-1063, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revised business programme.

*Motion moved,*

That the Parliament agrees the following revision to the programme of business for Wednesday 19 December 2007—

after

2.30 pm                      Time for Reflection

*followed by*                Parliamentary Bureau Motions

insert

*followed by*                Ministerial     Statement:     Transport.—  
[Bruce Crawford.]

*Motion agreed to.*

## Transport

**The Presiding Officer (Alex Fergusson):** The next item of business is a statement by John Swinney on transport. The cabinet secretary will take questions at the end of his statement and therefore there should be no interventions.

14:34

**The Cabinet Secretary for Finance and Sustainable Growth (John Swinney):** For some time, ministers in this and the previous Government have considered critical issues in relation to the condition of the existing Forth road bridge. Ministers have recognised the pivotal significance of the crossing to the connectivity and the future of the Scottish economy. A number of reports were compiled by the previous Administration, and this Government has continued that work.

In the transport statement in June, we announced a programme of public information exhibitions to present the full facts that have informed the reports that have been received from Transport Scotland on the form and location of the new crossing of the River Forth. In parallel with that public engagement, further work has been undertaken to assess the viability of tunnel options, and that work has now concluded. That was essential to ensure that all options were properly considered, and the Government is able to recommend a clear and fully assessed proposal.

The Government's purpose is to increase sustainable economic growth, and we recognise the continuity of the Forth replacement crossing as a key contributor to achieving that purpose. The existing Forth road bridge has served Scotland well, carrying far more traffic than was ever envisaged. The effects of that traffic and the impact of the Scottish climate have taken their toll on the structure, and the bridge, despite being strengthened and maintained during its life, faces an uncertain future.

The Forth Estuary Transport Authority is working to protect the integrity of the bridge by putting in place measures to dry out the main cables. We will not know whether those measures have been successful until 2012, which, when set against previous announcements by FETA that the crossing may have to close to heavy goods vehicles in 2013 and all vehicles by 2019, is impossibly late to begin thinking about the problem. Doing nothing is not an option. Work is required now to protect this crucial link in Scotland's transport network and to minimise the risk from the existing bridge not being available—either altogether, or while it is closed for

considerable periods of time to allow the cables to be replaced if that proves possible.

In appraising each option, consideration has been given to six assessment criteria: the impact on the environment; operating restrictions; operational risk; cost; cost risk; and time taken to construct. Four options have been identified as possible replacement crossing types and have been fully considered and appraised: a suspension bridge; a cable-stayed bridge; a bored tunnel; and an immersed-tube tunnel. I will set out the consideration that has been given to each option and then explain how each option has performed against the six assessment criteria.

A cable-stayed bridge would run from the northern shore just west of the existing road bridge to a point west of South Queensferry. It would consist of a dual two-lane carriageway with hard shoulders to provide an area for breakdowns to pull off. The traffic consequences of breakdowns on the existing bridge are well known, and hard shoulders would improve reliability. A cable-stayed bridge would be open to all classes of traffic and would include provision for pedestrians and cyclists to cross the bridge.

That option would take approximately five and a half years to construct since it extends incrementally from the three pylons that support the deck, allowing work to be carried out on a number of locations at once. A cable-stayed bridge would cost between £2.79 billion and £3.63 billion in outturn prices including VAT, with a benefit to cost ratio of 4.57. Increasing the width of the bridge deck to accommodate two-lane multimodal systems for public transport would add between £450 million and £580 million to the cost of that option, again in outturn prices.

A suspension bridge would run along essentially the same route as the cable-stayed option, and would consist of a dual two-lane carriageway with hard shoulders. The suspension bridge has a benefit to cost ratio of 4.06 and the estimated cost of that option, excluding multimodal provision, is between £3.17 billion and £4.11 billion in outturn prices including VAT. It would be constructed in approximately six years, due to the sequence of constructing a suspension bridge in an essentially linear fashion.

The cross-section of bored tunnel that would be suitable for a crossing of the Forth is limited by the ground conditions in the area. The proposed tunnel upstream of Rosyth would be a twin-bore tunnel approximately 8.5km long and, due to its location, would require some additional 5km to be travelled by the vast majority of vehicles compared with the existing bridge. It would require ventilation shafts on both banks of the Forth, which would need to be located to avoid the environmentally sensitive sites of the Forth, including special

protection areas. The tunnel would generate approximately 4 million tonnes of spoil, which would require disposal.

The ground conditions of the Forth would affect the size of the tunnel-boring machine that could be used. To incorporate multimodal options into a bored tunnel would therefore require an additional tunnel. There are restrictions on the goods that may be transported through tunnels, including on flammable goods such as whisky and oil. A bored tunnel would take approximately seven and a half years to deliver and it would not accommodate pedestrian or cycle access because of the safety issues of having those vulnerable users in a tunnel. A bored tunnel has an estimated cost of between £4.08 billion and £5.27 billion in outturn prices and a benefit to cost ratio of 2.61. Providing an additional tunnel for multimodal use would add more than £1 billion to the cost.

Immersed-tube tunnel technology takes advantage of the ability to construct the tunnel sections in a dry dock before floating them into position and lowering them into a trench on the bed of the river. The tunnel must then be protected from accidental damage by shipping and dredging. Such a tunnel in the Forth would have to be below the level of the river bed.

An alignment for an immersed-tube tunnel has been considered. It would be located immediately upstream of Rosyth. Although it would connect to the wider transport network—especially the proposed Rosyth bypass—the indicative alignment would impact directly on the Rosyth dockyard. The ITT would comprise some 2.3km of the 8.2km that would make up the crossing. The remainder would be provided by a combination of traditionally mined sections and cut-and-cover excavation.

An ITT would require a large trench to be excavated in the bed of an environmentally sensitive area of the Forth. It would have the same operating restrictions as a bored tunnel, but it could be constructed in approximately five and a half years at a cost of between £3.51 billion and £4.53 billion, with a benefit to cost ratio of 2.85. Multimodal options could be incorporated by providing a widened tunnel section at a similar additional cost to that of a bored tunnel.

I turn to the comparative analysis of the options and their performance against the assessment criteria. Because of the environmental importance of the Forth, we had to work closely during the summer with the statutory consultation authorities Scottish Natural Heritage, Historic Scotland and the Scottish Environment Protection Agency to produce a strategic environmental assessment. The SEA assesses the predicted effects of each option against a range of objectives that relate to environmental quality, communities, health, the natural environment, and cultural heritage.

Based on that assessment, and the additional assessment that considered the sites in the Forth that are designated under the European Union habitats directive, a bored tunnel performs best. The impacts that are associated with a bridge can be mitigated, however, through careful design and working methodologies. The assessment also found that the immersed-tube tunnel option has the greatest risk of impact to the protected environment of the Forth because of its method of construction. To determine the level of that risk would require a major investigation of the Forth, which could take a further year—time that can ill be afforded given the state of the existing bridge.

The options for the crossing improve transport connections and the reliability of travel times. That will reduce the carbon dioxide emissions compared with the base case of continuing to rely on the existing bridge.

I have set out the restrictions that apply to the transportation of goods through tunnels. They stem from the international carriage of dangerous goods by road requirements, which were put in place by a European agreement in 2005. They class a series of hazardous goods as generally prohibited from road tunnels. Although bridges have restrictions, which relate to their design, the existing bridge carries some 200 special loads per annum and there are far fewer day-to-day restrictions than with a tunnel. All traffic can use a bridge, from pedestrians and cyclists to the largest loads, whereas not all traffic can use a tunnel. Assessing the options against the operating restrictions and operating risks criteria therefore means that bridges perform better than tunnels.

The Government takes the view that decisions must be made now to provide the flexibility for multimodal public transport measures to be incorporated into the crossing. The Government has therefore taken the decision in principle to incorporate multimodal public transport in its chosen option.

I have set out the cost estimates for the options already but, to recap, the estimates for each option in outturn prices including VAT and multimodal public transport are: £3.25 billion to £4.22 billion for a cable-stayed bridge; £3.62 billion to £4.7 billion for a suspension bridge; £5.12 billion to £6.6 billion for a bored tunnel; and £4.77 billion to £6.19 billion for an immersed-tube tunnel. That clearly shows that, against the cost criterion, the bored tunnel is the most expensive option and a cable-stayed bridge the least. The benefit cost ratio and the value-for-money tests all indicate the cable-stayed bridge as the best performing option.

The cost risks associated with the options are related to the uncertainty associated with each. That has been reflected in the use of optimism bias in line with Treasury guidance. It is evident

from taking market soundings that there is greater concern that the costs of a tunnel may increase than there is about those for a bridge. That concern is greater still where the tunnel is bored, as ground conditions can be fully understood only as the tunnel progresses. There is more cost certainty for an ITT, because the tunnel units are manufactured in a controlled environment before being floated and lowered into place. Furthermore, a cable-stayed bridge or an immersed-tube tunnel would take the least time to construct and a bored tunnel the most.

The consideration of each option against the assessment criteria has been endorsed by both the Scottish Government's Cabinet and an independent peer review, which was carried out by a group of international procurement and construction experts specifically recruited for the purpose. Having assessed all the factors, the Government has come to the view that the Forth replacement crossing should be a cable-stayed bridge with multimodal capacity on a route slightly to the west of the existing road bridge.

The replacement crossing is about more than just the crossing itself: the connections at either side are equally important. Providing a link to the M9 from the new Forth crossing will allow greater choices and opportunities in West Lothian, while the construction of improved junctions to the north will protect and promote access to the development areas of Fife. Including dedicated public transport will provide opportunities for those who travel into and around Edinburgh and offer improved opportunities for links more widely between Fife, Edinburgh and the Lothians.

The Forth crossing is a crucial part of the road network, connecting communities on a local, regional and national scale, and it is overloaded due to single-occupant cars during peak periods. That is predicted only to worsen in the future. Our key objectives of a wealthier, fairer and greener Scotland are well supported by the decision to protect cross-Forth travel while ensuring the flexibility and capacity to provide for other modes of transport, including measures to ensure the reliability of the crossing.

The new bridge will be the single largest transport project for a generation, and we are determined that strong, clear governance is put in place to ensure that the costs and risks are effectively managed and that the project is delivered on time.

By the time that it opens in around nine years' time, the new bridge with a segregated public transport corridor will cost between £3.25 billion and £4.22 billion. Now that we have taken the decision to build a bridge, work can move forward on the legislative and procurement options for delivery. Further announcements on the details of



the bridge as well as the authorisation and procurement processes will be made during 2008. Work is continuing on the procurement options, and that will include consideration of the appropriate transfer of risk to the private sector, in line with current Government policy on the development of the Scottish futures trust. The Government is against tolling.

The programme for the development of the project envisages a submission for authorisation in 2009 and a procurement competition in 2010, leading to an appointment of a constructor in 2011. Transport Scotland will take that decision forward and has been procuring the services of a world-class consultant to develop the design of the new crossing. An announcement on the preferred bidder arising from the competition will be made shortly, and we look forward to confirming their appointment early in the new year to deliver the programme that I have set out.

The new Forth crossing is a hugely ambitious project. It will be the largest construction project in a generation in Scotland. It will be an iconic structure. It will maintain a fundamental link across the River Forth and incorporate the opportunity for a real change through multimodal public transport provision. It will create a new and better connection to our transport infrastructure in west and east central Scotland, and it will be delivered through effective and comprehensive care for our natural environment.

The Forth rail bridge created an image of global significance when it was constructed in the 19<sup>th</sup> century. In the 21<sup>st</sup> century, our vision of a new crossing of equal stature and significance is the Government's promise today.

**The Presiding Officer:** The cabinet secretary will take questions on the issues that his statement raised. I will allow about 30 minutes for questions, after which we will move to the next item of business. It would be extremely helpful if members who wished to ask a question pressed their request-to-speak buttons. A huge number of members have done that, so the shorter the questions, the more we will be able to fit in.

**Des McNulty (Clydebank and Milngavie) (Lab):** I thank the cabinet secretary for the advance copy of his statement. Labour is totally committed to a replacement Forth crossing as a key infrastructure project for Scotland. We acknowledge the urgency of proceeding with the project and we want the option that is chosen to be not just the cheapest or the quickest, but the best. We will examine carefully the information that has been provided, which needs careful scrutiny given the immense sums that are involved and the project's importance but, on the face of it, the Government is doing the right thing.

Will the cabinet secretary assure us that the oxidation problems that have caused significant disruption on the current bridge will as far as possible be designed out of the replacement cable-stayed bridge at the specification stage?

Will the cabinet secretary give us more detail on the traffic management arrangements that will be put in place for heavy goods vehicles between 2013 and the opening of the new bridge? That issue is significant for the east of Scotland's economy.

The cabinet secretary said that a segregated public transport corridor would deliver multimodal capacity. What vehicles does he expect to use that corridor? How will any option appraisal of it be developed?

Will the cabinet secretary give further information on the procurement options to which he referred? When will ministers consider those options? Will they examine the full range of options to ensure best value for the public purse and the maximum speed in delivering this important project? How will progress on procurement be reported to Parliament?

**John Swinney:** I thank Mr McNulty for his questions and warmly welcome him back to his position. The finance and sustainable growth portfolio has just recovered from his incessant parliamentary questions and he has returned to haunt us. We look forward to that continuing. I also thank him for the enormously constructive tone of his comments, which is warmly appreciated.

On oxidation, I assure Mr McNulty that enormous lessons have been learned from the process that is under way at FETA, to which I pay tribute for the work that it is doing to tackle the issue. The problem is not easy to resolve, but much effort is being put into that. The lessons that are learned from that will be factored into the new bridge's design specification. In addition, such lessons have been learned and specifications have been adjusted accordingly in other parts of the country and of the world.

We will have to prepare for traffic management for heavy goods vehicles from 2013 onwards as we move closer to 2013, but I assure Mr McNulty that the investments in the new crossing near the existing Kincardine bridge mean that we have several options that can assist us with traffic management.

As for the segregated public transport corridor, the Government was pleased to take its decision on multimodality, which opens up fresh options to expand what will be a growing number of public transport connections between Fife and east and west central Scotland. Several options are available, such as guided busways, an extension of the tram system and light-rail alternatives. The

Government will discuss those issues in the pragmatic fashion in which it always undertakes decisions on such matters. We will take no arbitrary decisions.

We will report to Parliament in 2008 on the procurement options that ministers will consider. We will keep Parliament up to date, and Mr Stevenson and I will be delighted to provide further information as appropriate to the Transport, Infrastructure and Climate Change Committee as the options are considered in due course.

**Alex Johnstone (North East Scotland) (Con):** I, too, thank the cabinet secretary for advance sight of his statement. I congratulate him on his generosity of spirit in his all-encompassing praise for previous Governments' efforts to reach the present stage. Some members believe that Liberal Democrat and Labour procrastination prevented us from reaching this stage much earlier.

I also congratulate the cabinet secretary on making an appropriate choice. The timescales and the costs that have been given mean that a cable-stayed bridge will be appropriate.

I want to ask about aspects that are similar to those that Des McNulty asked about but, first, did the minister consider the idea that the multimodal aspect of the new Forth crossing could have been incorporated into a refurbishment project for the existing road bridge instead? Has he considered how HGVs will be catered for in the period between a potential closure of the existing crossing to them in 2013 or 2014 and the completion of the new bridge, which, according to his schedule, he now places several years beyond that? Has he considered whether ferry services across the Forth should be provided? I understand that there are companies that could provide ferry services, if necessary.

I would like more information on the procurement options. For several months, we have spoken about the Government's decision not to pursue a public-private partnership approach in a number of projects. Many members, including me, are becoming impatient to see the details of the scheme that will come forward. I urge the minister to give a commitment now to give more details at the earliest opportunity on the procurement options and on how the bridge will be funded so that we have the confidence that we need in the long term that the massive project that we are discussing will come in on time and on budget, and that it will not cost people a lot more than he says that it will.

**John Swinney:** I am much more generous than Mr Johnstone is about the work that the previous Administration undertook to prepare for the new crossing.

Whether the multimodal option could be pursued if the existing Forth road bridge could be repaired is an obvious question, but Mr Johnstone will appreciate that it is difficult for me to answer it, bearing in mind our lack of certainty about the bridge's condition and the issues that will arise around that, such as whether the bridge can be refurbished. As I said in my statement, we must plan on the basis that we need a replacement crossing, which the Government is doing. We cannot afford the risk of hoping that there is some solution that can be vested in the existing bridge.

On future proofing the bridge, we plan to undertake multimodal investment in order to ensure a variety of options.

I do not have much to add to what I said in response to the question that Mr McNulty asked about planning for HGVs. To be fair, FETA is working hard to avoid a situation in which the bridge must be closed unnecessarily, and we will work closely with it in that respect.

Obviously, the Government wants to encourage a variety of modes of transport across the Forth, and we would be interested in hearing about ferry service proposals.

Finally, we will report to the Parliament on procurement in due course. Mr Johnstone does not have long to wait to hear more about the Government's thoughts on the Scottish futures trust. If I were to use one word in that context, I would say that information is "imminent".

**Alison McInnes (North East Scotland) (LD):** I, too, thank the cabinet secretary for the advance copy of his statement.

I welcome today's announcement. There is no time to lose in progressing the project. The fastest and most reliable construction method must be the right solution, as maintaining the strategic link across the Forth is vital to Scotland's economic well-being. Even if we set aside the costs, there are simply too many uncertainties surrounding a tunnel option.

I am particularly pleased that the cabinet secretary has agreed that there must be a multimodal crossing. As the northern access will be in the vicinity of the Ferrytoll junction, I urge that the links to that transport interchange be maximised.

Like Des McNulty, I have questions about public transport provision. I heard what the cabinet secretary said in that regard and I look forward to getting more detail. I commend the work that the south east of Scotland transport partnership has done in its regional strategy on the multimodal options that would be appropriate.

I, too, seek reassurances from the minister about delivery. How will the project be funded?

How will the costs be kept under control? How will we ensure that the bridge is built on time?

The public consultation in the summer highlighted a number of drawbacks that are associated with the bridge option, such as the indirect impact on specially protected environmental sites and the fact that construction would need to be fitted around bird breeding and wintering seasons. What measures does the minister intend to take to mitigate those impacts while still ensuring the timely delivery of the project?

As Mr Johnstone said, there is still great uncertainty around the Government's preferred funding method. Can we have an assurance today that if agreement on that cannot be reached with the United Kingdom Treasury, the Government will put aside dogma in the interests of the economy of Scotland and consider other methods of procurement? We cannot afford any delays while there is a wrangle with the Treasury.

**John Swinney:** I thank Alison McInnes for her comments. I give the assurance that she sought: clear links will be established with the Ferrytoll park-and-ride facility. The venture at Ferrytoll is enormously successful. As I said in my statement, there will have to be improvements to the road network north of the River Forth. As a consequence of that, there are options to improve connectivity with the Ferrytoll junction, which I think will help enormously.

Alison McInnes asked how we will deliver the project and how costs will be kept under control. From my brief experience as a minister, I can say that it is clear that, in projects of this nature, the governance arrangements are utterly fundamental to everything that goes into their planning. The Government has gone to elaborate lengths to establish the correct governance structure, with clear involvement of ministers, clear accountability in relation to who is responsible for delivery and a crystal-clear line of responsibility. We have learned important lessons from projects such as the Stirling-Alloa-Kincardine railway, in which the governance arrangements were far from clear. The Government has now put in place much clearer arrangements.

Alison McInnes referred to the public consultation. I do not know whether Margaret Smith will be called to ask a question, but I will say this in case she is. There are different opinions locally about the option that the Government has gone for. We simply have to reach a decision. It is not a decision that will please absolutely everybody, but it is a decision that we have to take in the interests of connectivity in Scotland.

A number of issues have been raised through the process of the strategic environmental

assessment. The appropriate assessment, which was carried out, indicated that the Government could not proceed with the immersed-tube tunnel option, because it was judged at that stage that there were environmentally significant issues that could not be overcome in the planning process. That was not the case in relation to the cable-stayed bridge option. The Government will take forward the planning of the bridge within the context of the strategic environmental assessment that has been put forward.

I reassure Alison McInnes that the Government is confident about the scheme that is being brought forward in relation to the funding of public infrastructure. We will report to Parliament accordingly on that basis.

**The Presiding Officer:** We come to questions from back-bench members. I strongly urge members to ask only one question each.

**Tricia Marwick (Central Fife) (SNP):** The announcement is great news for the people and businesses of Fife and the whole of the north-east of Scotland. I support absolutely the decision that the Cabinet has reached.

However, I remain concerned about the gap between 2013, when the existing bridge is expected to close to HGVs, and the time when the new bridge will be operational. That gap is due in no small part to the delays of the previous Executive and, in particular, the previous First Minister, who told me in November 2005 that it was a "particularly daft" idea to start planning.

**The Presiding Officer:** Ask a question please.

**Tricia Marwick:** If it is not possible to close that gap, what additional measures is the cabinet secretary considering for getting freight around Fife and across the Forth? I ask him to look at the reopening of the Leven to Thornton railway line for freight. Will he consider giving a commitment to the ferries from Kirkcaldy, Burntisland and Methil that will be needed in future to get commuters from our side of the Forth to Edinburgh?

**The Presiding Officer:** That was three questions.

**John Swinney:** We will be working with all energy to ensure the minimisation of any disruption that could result from the investment that we have to make. Appropriate planning will be put in place.

We have a number of options for crossing the Forth, with the additional—and nameless—crossing that is being established near the Kincardine bridge and the Kincardine bridge itself. Obviously, any ferry links that are established will help to ease the situation, and the Government will give every encouragement to such links.

**Helen Eadie (Dunfermline East) (Lab):** I warmly welcome the cabinet secretary's announcement. As I was probably the first member to campaign for a new crossing, I am particularly pleased.

I welcome the cabinet secretary's assurance that the Ferrytoll park and ride will be protected and integrated into the new facility. I was going to ask a question about that, but it has been answered.

What discussion has the cabinet secretary had with Her Majesty's Government, the Treasury and the European Commission, or members of the European Parliament, to establish whether European structural funds are available to assist with what is already designated as a key component of the trans-European network?

**John Swinney:** The Government has not so far had specific discussions with Her Majesty's Government or the European Union about European structural funds. A variety of different options for the funding and procurement of the bridge will be considered by the Government, and I will ensure that ministers consider European structural funds when they look at those options.

**Ian McKee (Lothians) (SNP):** I congratulate the cabinet secretary on the speed and wisdom of his decision; I am sure that we all agree with that. However, no decision comes without a price. Which communities will be most impacted by the option that he has chosen, and how will he mitigate any impact on the communities that will be affected by the project?

**John Swinney:** The Government will work with Transport Scotland and the relevant local authorities to try to minimise any disruption to communities. This is a big project that will involve a significant amount of construction work, particularly at the north and south ends of the new crossing. Our objective will be to create robust and effective connections, particularly from the new bridge to the M9, which will assist enormously with the flow of traffic between Fife and east and west-central Scotland, as well as easing the congestion that we experience on and around the existing crossing, which is making a damaging contribution to the environment. There will be disruption to communities to the north and south of the bridge, and I pledge that the Government will work carefully with local authorities and communities to minimise that disruption and to try to ensure the quality of life of all within them.

**Mary Mulligan (Linlithgow) (Lab):** I welcome the cabinet secretary's announcement, and I acknowledge that he recognised the issue of connections to the bridge. My question is in a similar vein to Mr McKee's question. How will the cabinet secretary ensure that the environments of

communities such as Newton, Philpstoun and Winchburgh, which are all in my Linlithgow constituency, are not affected adversely by new roads leading to the new bridge? What consultation will there be? Will plans for major developments in Winchburgh now be allowed to proceed?

Can the cabinet secretary assure me that wider thought has been given to the need to upgrade approach roads such as the A801, which could provide an additional link to the M8?

**John Swinney:** One of the Government's objectives, and one of the attractions of the bridge option, is the opportunity to connect the new crossing directly to the M9. I should put on the record the point that we produced a map today. Mary Mulligan might be able to help the local communities that she represents with that—I am certain that it will appear in tomorrow's newspapers. The map is illustrative; it does not define the route exactly.

We will work to avoid disruption to the communities that Mary Mulligan mentioned, such as the village of Newton, which I know well. The connections will be designed to provide ready access from the Forth crossing to the M9, which will assist east-west journeys. I hope that disruption to adjacent communities will be minimised.

I am happy to put it on record that extensive consultation with local communities will be required as part of the process of designing the route. That will be taken forward in due course over the period that lies ahead and, into the bargain, during the authorisation period.

Finally, Mary Mulligan will accept that her questions about developments at Winchburgh raise matters of a slightly different nature—they are perhaps even planning questions—so I will desist from answering them definitively today.

**Ted Brocklebank (Mid Scotland and Fife) (Con):** I welcome the cabinet secretary's statement, but is he aware that the Government's decision to opt for a bridge rather than a tunnel will disappoint many, including members of the Federation of Small Businesses Scotland? There is concern that, in settling for the cheapest option of a cable-stayed bridge, we risk repeating the very real rusting problems that are posed by the present bridge. Although a bored tunnel would be more expensive in the short term, would not such a crossing under the Forth have provided a versatile and lasting alternative? In reality, would not flammable goods be better transported by rail or ferry in any case?

**John Swinney:** Of course I understand that there will be divided opinions about the Government's decision today. I readily accept that.

However, I am not so sure that the business community will be too troubled by the Government's decision; I am pretty certain that it will be supportive.

I addressed the structure of the cable-stayed bridge in response to Mr McNulty. Many lessons have been learned since the Forth road bridge was constructed in the early 1960s, and those lessons will be applied in the design of the new bridge. A bridge also provides greater flexibility in relation to repairs.

In the round, the decision was not easy. The issues that need to be balanced include questions of cost, the environment and the wider implications. The Government has assessed all those factors and has come up with a robust and dependable solution that meets the interests of the Scottish economy.

The member is absolutely right to make a point about the transportation of inflammable goods by rail. Through the strategic spending review, the Government is putting in place resources to support the greater incentivisation of transportation of goods by rail. I am delighted that in the Government's programme we have been able to sustain that level of investment.

**Margaret Smith (Edinburgh West) (LD):** The cabinet secretary has already hinted at my disappointment at his announcement. I am a well-known supporter of the tunnel option, as are the vast majority of my constituents in South Queensferry, I believe. Today's announcement on the mode of the crossing will be met with a great deal of anxiety and disappointment. He is absolutely right that the announcement will not please everyone.

The cabinet secretary might be interested to know that, in the days after the Scottish National Party's victory, his announcement would not have pleased Alex Salmond. In the *Linlithgow Gazette* and in the *Queensferry Gazette*, Mr Salmond was quoted as saying:

"If I become First Minister there will be a new Forth crossing. Our favoured option is a tunnel rather than a bridge but it has to go through the proper assessment"—

I accept that point. The quotation continues:

"Based on the arguments we've seen so far, a tunnel would be quicker and cheaper."

Perhaps the cabinet secretary needs to have a word with Mr Salmond as well—

**The Presiding Officer:** A question, please.

**Margaret Smith:** What will be done with the existing bridge? If it cannot be repaired, will it be dismantled and brought down? At what cost?

Why have the estimated costs rocketed since the Faber Maunsell report in June? Why has the

BCR of the preferred option decreased since June?

**The Presiding Officer:** Briefly, please.

**Margaret Smith:** Why has the cost of a cable-stayed bridge at route option D—which was, in the summer, £1.5 billion at end-2006 prices—rocketed to somewhere between £2.79 billion and £3.6 billion today? That is a £1 billion-odd difference. Why have the prices rocketed in only a matter of months?

**John Swinney:** I appreciate that Margaret Smith is disappointed. I am not surprised at that, as she has pressed and lobbied ministers vigorously on the issue—as she is entitled to do as a constituency member of Parliament.

I am delighted to hear those quotes from Mr Salmond. As ministers, we all go through the experience of having all sorts of things quoted back to us. Indeed, I experienced that just the other day at the Local Government and Communities Committee.

As a new Administration, we have—rightly, I think—taken time to consider all the information at our disposal, to ask some hard and searching questions and to consider the various issues that have arisen. In the course of that scrutiny, we have recruited a peer group of very experienced individuals in the construction and finance sectors to assess and test through peer group review the strength of the case that has been put to ministers, and this is the option that the group has preferred and endorsed.

As for Margaret Smith's various questions about costs, I simply point out that the figures in my statement are 2016 outturn prices, which, once all the relevant factors are taken into account, will inevitably be different from 2006 prices. In any case, the Parliament would be asking me other questions if I had, for example, decided not to go with the option that had the best benefit to cost ratio or which was deliverable within the shortest timescale or at the lowest cost. This is the position that the Government has reached, and I look forward to discussing it with Margaret Smith and other members.

**Shirley-Anne Somerville (Lothians) (SNP):** I, too, welcome the Government's decision and the speed with which it has been reached. Given that not only communities but a number of important environmental and built heritage sites around the Forth and surrounding areas will be involved, how will the Government ensure that special protection areas, in particular, are sensitively dealt with as the project continues?

**John Swinney:** Shirley-Anne Somerville has raised an important question. No matter whether we are talking about the tunnel option—which,

because it would have involved longer journeys, would have led to increases in emissions—or the location of the crossing that the Government has identified, the fact is that any project that might be undertaken in this area raises issues about its effect on the quality of our natural environment. However, I assure Shirley-Anne Somerville that the Government's strategic environmental assessment has highlighted a number of very clear issues that must be considered and which, I assure Parliament, will be borne fully in mind in the design and procurement of the bridge. As the proposal is developed, we will fully consider the needs of our natural environment and the need to protect environmental sites to ensure that we do not damage special protection areas.

**Marilyn Livingstone (Kirkcaldy) (Lab):** I, too, warmly welcome the cabinet secretary's statement and take this opportunity to pay tribute to the individuals and organisations in my constituency, including Fife chamber of commerce, for their effective, tireless campaigning, which has led to today's announcement.

Will the cabinet secretary make recognising the needs of the communities of central Fife a priority with regard to connectivity? One of the major inhibitors to connectivity and economic regeneration in the area is the Redhouse roundabout, which requires major upgrading. What are the Government's plans in that respect?

**John Swinney:** Marilyn Livingstone has raised a very important point about the degree of engagement on this issue by people with different points of view, who either favoured particular options or were determined to sustain an uninterrupted connection across the Forth. I pay equal tribute to those who have worked very hard on this matter, some of whom I readily concede will be disappointed with the Government's decision.

I am afraid that, as far as her roundabout question is concerned, Marilyn Livingstone has got me. I will have to write to her with an explanation of the Government's position in that respect.

**The Presiding Officer:** There is time for a very brief question from Patrick Harvie.

**Patrick Harvie (Glasgow) (Green):** I am grateful for the advance copy of the statement, depressing reading though it makes. For my neighbour Ian McKee's benefit, I should make the cabinet secretary aware that not quite everyone in the chamber is awed by today's display of wisdom.

**The Presiding Officer:** Briefly, please.

**Patrick Harvie:** Leaving aside some of my concerns about the lack of consideration given to the viable option of repairing the existing bridge, will the cabinet secretary tell us about the status of

the Government's commitment both to return traffic across the Forth to 2006 levels and to keep it there? Moreover, what is the Government doing now to plan for the long term to ensure that traffic can be maintained at that level and that it will not grow exponentially, which it might do if two bridges rather than one are operational?

**John Swinney:** I concede to Patrick Harvie that the Government recognises the significance of tackling the volumes of traffic that come over the Forth. That is why I have committed the Government to providing a multimodal crossing and why the Government is advancing a range of improvements to the rail link across the River Forth that will improve capacity. We are investing in the Stirling-Alloa-Kinross rail link to divert slow and obstructive coal trains away from the Forth crossing so that we can provide people with viable and credible alternatives for accessing the city of Edinburgh and other areas.

The Government's commitment to ensuring, through the design of the bridge, ease of access to further connections to the east and the west is an important part of the project, which we think will play a significant part in tackling the issues that Patrick Harvie raises. Our approach to tackling those issues is to put in place credible and strong alternatives to car use. That is why the point of connection to the Ferrytoll park-and-ride facility, the multimodal element of the new bridge and the rail improvements are important. The Government will take those steps to ensure that we deliver on our commitments on the volume of cars that go across the Forth.

## European Union Reform Treaty

**The Deputy Presiding Officer (Alasdair Morgan):** The next item of business is a debate on motion S3M-1053, in the name of Linda Fabiani, on the European Union reform treaty.

15:22

**The Minister for Europe, External Affairs and Culture (Linda Fabiani):** It is clear to the Government that the United Kingdom Government should, as we state in our motion, hold a referendum on the European Union reform treaty. There are weaknesses in its drafting that demand that, but the most immediate and powerful point is that the Labour Party promised in its manifesto for the 2005 UK general election to hold a referendum on the issue. The Scottish National Party welcomed that commitment to allow the people of Scotland a direct democratic voice on the matter. That should still be the case, so we call on the UK Government to meet its responsibilities and honour that commitment by holding a UK-wide referendum.

One could argue at great length about whether the reform treaty is inherently the same as the constitutional treaty. The reality is simple: there are differences between the two, but there are also enormous similarities. There would be little difference in what would result from either for member states and for the European Union, so if we were committed to holding a referendum on one, we must remain committed to holding a referendum on the other.

For this Government, a referendum on the reform treaty is logical and appropriate. I believe that many people in Scotland and the United Kingdom take a similar view. I also suspect that they feel that the UK Government's change of position is based merely on certain technical changes in the drafting of the treaty, that they consider it to be pedantic and mean-spirited, and that they feel that the UK Government is acting with a degree of contempt for public opinion.

**Murdo Fraser (Mid Scotland and Fife) (Con):** Does the minister agree that the reason for the change of heart on the part of the UK Government is that it knows that if it held a referendum it would lose?

**Linda Fabiani:** I am not convinced about that because we are not a Eurosceptic party—indeed, the Scottish National Party forms a pro-European Scottish Government. However, it disappoints us that by denying people a proper public debate on a key issue, the UK Government is once again playing into the hands of those whose ambition is to wreck the European Union. That gives the European process a bad name and makes it

appear that there is something that people should fear when there is not. We would much prefer people to think that the EU is a worthwhile project, in which they are involved. People should feel that they have specific and concrete involvement in the EU's future.

**Margo MacDonald (Lothians) (Ind):** I accept that it is much better to advance the positive side of the EU. If we had a referendum, what exactly would we advance as being the positive effects of the EU as it is developing?

**Linda Fabiani:** That is for another debate, which I have no time to go into.

We believe in an independent Scotland. I have no doubt that an independent Scotland would have at its core active and positive membership of the EU. The case for independence is greatly enhanced by the new opportunities that would be open to us as a member state of the EU. Scotland would retain all the advantages that we currently enjoy under UK membership. We would have free access to the world's largest market—a single market that brings together half a billion people and more than 20 million businesses across 27 member states. An independent Scotland would be able further to enhance its economic position and its sources of competitive advantage in the vast European market, which is married with admirable levels of social and environmental protection.

Given the massive potential of our people, an independent Scotland would be well placed to succeed in Europe. We have established strengths in financial services, food and drink and tourism and, with its fair share of oil and gas resources, Scotland would immediately rise from being Europe's 10<sup>th</sup> richest economy per capita to being the third richest. That is the Government's vision of a positive Scotland in a positive Europe, which we will strive to protect, enhance and make real.

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Will the minister give way?

**Linda Fabiani:** No.

Being positive about Europe does not mean that we have to agree to every EU development. It is responsible to question and, if appropriate, to disagree.

I will consider the treaty's development. The European Council of December 2001 decided that fundamental reforms of the EU decision-making process were required. The convention on the future of Europe was established, with the aim of allowing a range of opinion on the new draft constitution. In a relatively rare moment in the history of European integration, the people of France and the Netherlands gave their political

leaders a reality check when they voiced their opinions directly, through referenda. Our people are similarly entitled to voice their opinions.

The German presidency broke the deadlock that followed the referenda with an outline agreement at the European Council in June this year. It handed the task of finalising the details to an intergovernmental conference under the Portuguese presidency. The task was completed for agreement of a final text at the October European Council. Heads of member state Governments assembled in Lisbon on 13 December to sign the treaty. Prime Minister Gordon Brown arrived to sign on behalf of the UK later—I assume that he wanted to sign as surreptitiously as possible, but sign he did. The treaty has finally been agreed and signed even by Gordon Brown, who had previously called for a referendum. The 27 member states must now carry out their processes of ratification. Only Ireland is certain to have a referendum, but we will continue to press for one in the UK: SNP members at Westminster will actively press for a referendum as the UK ratification process continues.

On the substance of the treaty, many provisions are helpful and positive. For example, the treaty provides for a mechanism whereby parliaments of member states will have the opportunity to be consulted on possible new proposals for legislation, in relation to subsidiarity. The treaty also for the first time gives parliaments a direct role in the EU decision-making process. Connecting to citizens through parliaments is an important step in ensuring the EU's continued credibility.

Of course, the Scottish Parliament is not a parliament of an EU member state, although the Government's ambition is that it should become one. Until that point, we must ensure that this Parliament plays a full and effective role in working with the Westminster Parliament to discharge its responsibilities.

General areas of improvement include the enhanced role of the European Parliament in decision making, which we welcome as a step towards improved democratic accountability of the EU. I have great respect for Scotland's members of the European Parliament from all four parties. In working tirelessly for Scotland's interests, they listen to the views of many individuals and organisations and often collaborate well across party lines. Enhancing their role is a further positive and pro-democratic step.

However, there are negative aspects of the treaty—an area of continuing concern is fisheries. For the past few days, Richard Lochhead has worked flat out in Brussels, trying to get the most effective deal for Scotland's fishing industry. He did so in full knowledge of the limitations of

Scotland not being a member state and, of course, of the absurdity of aspects of the current common fisheries policy. I want to make it absolutely clear that the Scottish Government cannot accept the European Union's claim of exclusive competence over

“the conservation of marine biological resources under the common fisheries policy”,

as the treaty now states explicitly and for the first time. I said that in a previous debate on the subject in the chamber.

Of course, the Scottish Government is not alone in its concerns on the treaty. Michael Connarty, the highly respected chairman of the House of Commons European Scrutiny Committee, has highlighted a number of issues of concern. His cross-party committee published a significant report in advance of the signing of the treaty, in which members expressed significant concern on issues that the UK Government appears not to have recognised.

**Iain Smith (North East Fife) (LD):** Will the minister take an intervention?

**Linda Fabiani:** No, thank you.

The issues of concern were not least that the intergovernmental conference process for drafting and agreeing the treaty went a long way towards further marginalising the role of national Parliaments and curtailing public debate. Again, damage is being done to democracy. Whatever one's view of the committee report is, it is very disappointing that the UK Government merely went ahead and signed the treaty without appearing to refute most of the concerns. It also now appears that the Government is set on going ahead with ratification without the full public debate that a referendum would entail.

**Margo MacDonald:** Will the minister give way?

**Linda Fabiani:** I am sorry, but I have no time.

With a referendum, we could engage constructively with citizens in the European Union; without one, we run the risk of further alienating citizens and confirming the view of many that the EU is run by a self-serving political elite.

In the past, the Labour Party appeared to believe in the value of engaging citizens on the issue; indeed, it made a commitment to hold a referendum on an earlier draft of the treaty. The fundamental importance of the treaty and the lack of changes to most of its key provisions mean that there should also be no change in whether to hold a referendum. For all those reasons, the Scottish Government firmly believes that the UK Government should honour its commitment to hold a UK referendum on the reform treaty. In our motion, we state that clearly and simply.



I commend the motion to the chamber. A referendum is the only democratic way in which to proceed.

I move,

That the Parliament believes that the UK Government should hold a referendum on the EU reform treaty.

15:33

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** It is with great pleasure that I debate the EU reform treaty, now known as the Lisbon treaty, for the third time in three months in Government debating time. That said, I find it extremely odd that, although the Government has found time for us to repeat the arguments on the treaty not once, but twice, it has not found time for a single health debate.

We know what the debate is all about: once again, the SNP and the Tories have come together in an unholy alliance for opportunistic political reasons. In this case, they have come together to demand a referendum—one that the chairman of the Conservative party's commission for democracy said would be "crackpot", "dotty" and "frankly absurd".

We have seen the alliance at work so many times over the past eight months that it is fair to describe it as Parliament's auld alliance. Never has it been more ridiculous or incongruous than it is today. On one hand, we have the Tories, with their exaggerated and distorting denunciation of everything to do with the treaty and, on the other hand, we have the First Minister praising enthusiastically the totality of the treaty, with the sole exception of a single line.

For once, Alex Salmond is worth quoting. In a lecture last week, he said:

"The proposed Treaty will bring many benefits ... a more efficient decision making process, greater openness and democratic accountability and a stronger sense of direction."

He could have been quoting from the Labour amendment.

The First Minister went on:

"importantly for Scotland, it will advance the principle of subsidiarity and the role of national Parliaments in the legislative process. We welcome these and many other reforms".

I could not have put it better myself.

**Margo MacDonald:** Does the member welcome the proposal for a foreign minister to represent all of Europe, who will be able to initiate policy and sign treaties on behalf of Europe?

**Malcolm Chisholm:** It is untrue for Margo MacDonald to say that the high representative for foreign affairs will be able to initiate policy—all that

that person will do is implement the EU's agreed policy, and that has to be on the basis of unanimity. I am afraid that that is one of the many scare stories, which I did not expect to hear from Margo MacDonald.

To return to Alex Salmond, why such sensible remarks on the treaty as a whole should be combined with a totally disproportionate and wrong-headed response to a single line about marine biological resources is one of the great unsolved mysteries of recent debates on Europe in Parliament. The Government has never explained that in any detail, either in Parliament—today or in other debates—in the European and External Relations Committee, or in response to specific written requests from that committee. Everyone except the SNP seems to be absolutely clear that the conservation of marine biological resources has been an exclusive EU competence for decades. I could quote many statements to that effect, but perhaps it is best to go back to the UK accession treaty of 1972, which was negotiated by the Conservative Government of the time and which states:

"From the sixth year after Accession at the latest, the Council, acting on a proposal from the Commission, shall determine conditions for fishing with a view to ensuring protection of the fishing grounds and conservation of the biological resources of the sea."

**The Minister for Environment (Michael Russell):** Will the member give way?

**Malcolm Chisholm:** I will not just now, because I am way behind time.

The matter is absolutely clear and the European Court of Justice has spelled out the matter for anyone who doubts it. There is treaty change in the move to co-decision making, with new powers for the European Parliament to influence the broad guidelines of fisheries policy. I would have expected the SNP to welcome that as a step forward, rather than to imagine that the exclusive competence line is a step backward. We can speculate on motives, but it would be helpful to get some answers for a change.

I have some points to make about the common fisheries policy but, because speeches must be shorter than was envisaged, I will move to Linda Fabiani's central point, which was about a referendum. She had the gall to contrast the UK Government's alleged change of position with the SNP's "logical and appropriate" view. Let us see how the SNP's view has changed in the past three months. The first I read about the matter was from a senior SNP source in *The Herald* newspaper on 7 September, who said:

"The party is not sure whether it wants a referendum, and if there is one, it is not sure which way it would campaign."

That perhaps explains why there was no mention of a referendum by the Scottish Government in the debate on the treaty on 19 September.

**Linda Fabiani:** Will the member give way?

**Malcolm Chisholm:** I have no time. I am already having to miss out bits of my speech.

In a debate on 8 November, Linda Fabiani connected the issue of a referendum with change to the marine biological resources line. She said that the SNP would demand a referendum,

“Unless or until it is changed”.—[*Official Report*, 8 November 2007; c 3283.]

By 26 November, the policy had evolved yet again. In a letter to the European and External Relations Committee, Linda Fabiani wrote:

“It is our opinion that, in view of the ... identity of effect between the Constitutional Treaty of 2004 and the current Reform Treaty, the UK Government ought to fulfil its own manifesto commitment to hold a referendum on the Treaty.”

“Identity of effect” had never been mentioned before, but political opportunism had triumphed once again and the ground was prepared for today’s unholy alliance.

There is, of course, no “identity of effect”. The fact is that the treaty does not embody a far-reaching European constitution, but is a traditional amending treaty that is extremely modest in comparison with the changes that were negotiated by the last Conservative Government through the Maastricht treaty and the Single European Act.

**Linda Fabiani:** Will the member give way?

**Malcolm Chisholm:** I am having to miss out bits of my speech: clearly, I cannot take interventions.

Basically, the Lisbon treaty introduces pragmatic evolutionary changes that will streamline decision making, improve efficiency and increase democratic accountability through providing an enhanced role for the parliaments of member states. We will hear quotes today about how 90 per cent of the treaty is the same as the original proposed constitution, but the fact is that the other 10 per cent makes an enormous difference. The measures that have been dropped in that 10 per cent are precisely the most controversial points that gave rise to calls for a referendum in the first place. As someone said, mice and human beings are 90 per cent identical, but the 10 per cent makes one heck of a difference.

Of course, several European politicians who are most upset about the changes will strive to emphasise the parts that have not changed, but many Europeans have given a more accurate and balanced assessment. For example, the Italian interior minister Giuliano Amato, has reflected on the substantial differences between the constitutional treaty and the reform treaty.

As another example, the Dutch Council of State—a group of independent legal experts—has made it clear that there are real and substantial differences between the original constitutional treaty and the reform treaty. The *New Federalist* magazine has expressed its profound disappointment. It states:

“The result, full of compromises, opt-out opportunities and special texts for certain countries is not going to give rise to a treaty that wins any federalist awards. Indeed, the result is extremely disappointing for anyone who had been campaigning for a Constitution for Europe, and in particular for a Constitutional Treaty.”

As that quotation makes clear, the treaty is a defeat for the integrationists and provides a way for an enlarged union of nation states to work together for mutual benefit. The mandate for the intergovernmental conference also made it clear that

“The constitutional concept, which consisted in repealing all existing treaties and replacing them with a single text called ‘Constitution’, is abandoned.”

It is therefore not surprising that not one country in the EU proposes to hold a referendum, with the exception of Ireland, which is constitutionally bound to have one.

The UK has never ratified an international treaty of any kind by a referendum. There were certainly no greater opponents of doing so than the previous Conservative Government. In 1992, John Major stated:

“The Government do not intend to hold a referendum on the outcome of the Maastricht negotiations. ... we are a parliamentary democracy and I see no need for a referendum.”—[*Official Report, House of Commons*, 21 November 1991; Vol 199, c 415.]

The truth is that there were many Eurosceptics in the Tory party then, but John Major was prepared to take them on. The Eurosceptics have now taken over the Conservative party. As Ken Clarke put it, they would have

“demanded a referendum just about the date on the top of the piece of paper”.

As our amendment makes clear, we recognise the enormous advantages that membership of the European Union has brought to Scotland and the UK more generally. We also recognise, in the exciting next phase of the EU, what further advantages it can bring to the rest of the world. I was particularly pleased by the amendment to article 174, which refers to

“promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.”

I was also pleased that it was agreed last week at the European Council that a key part of the EU’s external agenda is how, by working together, we can maximise our influence in tackling global

poverty. To that end, the Commission will report on how the EU is meeting its commitments to the 2015 millennium goals and how progress can be accelerated.

The contrast in today's debate is between, on one hand, an amendment that is both positive about Europe and realistic about the treaty and, on the other hand, an opportunistic motion that is unable to say anything explicit about either Europe or the treaty, but which is implicitly negative and misleading for supposed political advantage. I see no sign that the people of Scotland are clamouring for a referendum on the issue. I believe that they are much more positive and realistic about Europe than those who lodged the motion presume.

I move amendment S3M-1053.1, to leave out from "the UK Government" to end and insert:

"membership of the European Union has been hugely positive for Scotland and Britain, delivering more jobs, a single market, freedom to work and live abroad, environmental protection, security and an enhanced place for Scotland and Britain in the world; believes that the European Union needs to become more efficient, more effective and more accountable and welcomes the signing of the European Reform Treaty as a significant step towards tackling these concerns, and believes that the treaty will allow the European Union to move on from debates about institutions to concentrating on the fundamental challenges of climate change, globalisation, terrorism and international development."

15:43

**Ted Brocklebank (Mid Scotland and Fife) (Con):** What we are debating today is more important than any Scottish take on the European reform treaty, important though that may be. We are considering a matter of honour—the honour of Gordon Brown's UK Government. No one needs to be reminded of the annus horribilis that 2007 has been for Labour. It lost control of the Scottish Parliament in May, it lost its bottle in deciding against a general election in October and it lost any reputation for integrity that it may have had over party donations. It now seems that Gordon Brown is prepared to shed the last vestiges of honour by going back on his predecessor's binding undertaking to allow the British people a referendum on the constitutional treaty. That is clearly a betrayal—there is no other word for it.

A Government cannot get away with making a promise under one Prime Minister and reneging on it under another. All parties are guilty of floating ideas when in opposition that they choose not to implement, but few Governments are brazen enough to make a categorical statement of intent, such as that which was made by Tony Blair on having a referendum on the constitutional treaty, only to witness the disgraceful U-turn by his successor in failing to carry out that promise.

I am among those who had considerable respect for Gordon Brown. I do not know him well, but in a previous existence I worked alongside him as a broadcaster. His forebears and mine come from the east neuk of Fife and his grandfather, like mine, was a farm labourer. I do not share his politics, forged as they were on Clydeside, where his father was a minister during the post-war years, but I have always believed Gordon Brown to be a man of principle. Frankly, reneging on Labour's referendum commitment is not the act of a man of principle. For all the protestations about its being a different treaty, Gordon Brown and principled members opposite, such as Malcolm Chisholm and Irene Oldfather, know as well as I do that it is the constitutional treaty in all but name.

Angela Merkel has the guts to say it. Bertie Ahern has the guts to say it. Michael Connarty, Labour chairman of the European Scrutiny Select Committee has the guts to say it. Even Giscard D'Estaing, the architect of the treaty, says that the reform treaty differs only in its wrapping paper from the constitutional treaty. Gordon Brown himself knows that it is the same treaty—he just did not have the guts to be photographed signing the wretched thing last week. Instead, he skulked into the room some hours late to add his name to the other 26. No wonder Nigel Farage of the UK Independence Party said:

"Whether you are pro or anti-European, the British performance in there was cringe-makingly awful."

As it happens, I am pro-European, but I oppose the treaty. I respect Malcolm Chisholm's views but agree with only one line in his amendment, which is where he says that

"the European Union needs to become more efficient, more effective and more accountable".

I do not agree with him that membership of the EU has been hugely positive for Scotland—just ask the farmers and fishermen how positive membership of the common agricultural policy and the common fisheries policy has been. On that, I must mention that I believe that there has been another wholly unsatisfactory outcome from last night's negotiations on fisheries in Brussels.

Ominously, the reform treaty will also set up a common energy policy, just when it is absolutely essential that the UK should act independently in looking after its own national energy needs.

**Kenneth Gibson (Cunninghame North) (SNP):** Will the member take an intervention?

**Ted Brocklebank:** I will in a minute, if I have time.

Has Labour learned nothing from the CAP and the CFP? It now wants to sign us up for the CEP, while Gordon Brown tries to perpetuate the myth that the treaty is simply a tidying-up exercise.

**Robin Harper (Lothians) (Green):** Does the member agree that the EU would find it difficult to operate if every time any member country decided that it did not want to be part of one policy or another—whether the CAP or the CFP—it withdrew from that particular arrangement? The whole project would fall apart. That is not sensible politics.

**Ted Brocklebank:** That is a totally different argument to the one that we are having today, which is about whether we should have a referendum on the reform treaty.

Last week's weird behaviour shows that even Gordon Brown does not believe it. What makes it worse is that the treaty, even in draft, has not been presented to the House of Commons and that no amendments to the text are allowed in the ratification process. The Prime Minister has signed up for the words, warts and all. It is take it or leave it. Take it or leave it to a new president, who will be in power for up to five years and who will be elected not by us but by the 27 Prime Ministers who make up the European Council. It will be take it or leave it to the EU's foreign minister—the so-called high representative—who will have his own diplomatic corps and worldwide embassies and be empowered by the EU to make any kind of international treaty in our name. It is take it or leave it to the new Cabinet status of the European Council, whose members will be placed under an obligation to put the objectives of the EU above those of their own countries. It will be take it or leave it to the extension of the powers of the unelected Brussels Government to dictate laws and policies that override the wishes of elected national parliaments, along with the national vetoes that have been abolished in 60 new areas.

As for the so-called red lines—our vaunted opt-outs, which Gordon Brown says have been secured for Britain—even Labour's Gisela Stuart, who helped to write the constitution, says that the red lines are actually red herrings. They do not apply to several of the major provisions of the treaty. Now the Prime Minister tells us to trust him, but any future amendments to the treaty will have to come before the House of Commons. My response is to ask how we are expected to trust any promise a Labour Prime Minister gives after the great referendum betrayal. The truth is that today's debate is not really about the new European superstate. As I said to Robin Harper, it is about a matter of honour. If, in the ratification debate to come at Westminster, the right honourable Gordon Brown continues to dishonour his Government's promise of a referendum, 2008 could be an annus even more horribilis than 2007 was for Labour. This afternoon, we in the northern part of the UK have an opportunity to send the Prime Minister a sharp reminder of the betrayal

that he is about to perpetrate. The Conservatives will support the SNP motion.

15:49

**Iain Smith (North East Fife) (LD):** Dear, oh dear. We are having a bit of a strange debate. As Malcolm Chisholm said, it is our third debate on Europe in as many months, yet we are still waiting for a clear statement from this minority Government on where it stands on Europe. The motion calls for a referendum on the EU reform treaty, but does not give one single reason why such a referendum should be held. It would have been more honest of the movers to have stated their case in the motion. It would have been more honest of the movers to have indicated in their motion just what parts of the reform treaty they object to. It would have been more honest of the movers to have indicated in their motion which way they would vote in such a referendum—they have not even done so in their speeches. It would have been more honest of the movers to have indicated the implications of the result of the referendum for Scotland.

The SNP's principal objection is to the EU having exclusive competence on marine biological resources. However, the European Court of Justice ruled in 1979 that

"power to adopt measures relating to the conservation of the resources of the sea has belonged 'fully and definitively' to the community".

For the benefit of Mr Russell, that is the definitive interpretation of the legislation. Whether or not the EU reform treaty is ratified, the EU will still have exclusive competence over marine biological resources. Given those facts, where does the SNP stand?

**Michael Russell:** Will Iain Smith explain to me why the treaty entrenches

"the conservation of marine biological resources under the common fisheries policy"

as an exclusive competence but treats all other aspects of fisheries as a shared competence, as it does with agriculture? The entrenchment is the issue. That is an entrenchment action.

**Iain Smith:** For the avoidance of doubt, there is no change to the existing legislation, which has been in force since article 102 of the 1972 Act Concerning the Conditions of Accession and the Adjustments of the Treaties. That is what the act said and that is how the European Court of Justice interpreted it in its definitive ruling. That was a red herring.

**Michael Russell:** There will be no herring if we let it happen.

**Iain Smith:** Bruce Crawford said in the September debate that the SNP is

“profoundly opposed to the inclusion of ... marine biological resources under the CFP as an exclusive competence of the union.”—[*Official Report*, 19 September 2007; c 1883.]

If the SNP does not agree with it, does not that imply that it must withdraw from the EU?

**Linda Fabiani:** No.

**Iain Smith:** How can the SNP support membership of the EU and, at the same, time be profoundly opposed to a key part of the EU treaties?

**Michael Russell:** Easily.

**Iain Smith:** Is its profound opposition—as we are obviously hearing now—nothing more than a bit of spin? Is it a pretence that it is doing something for the fishing industry but really does not care much and will stay in the club whatever? Given that its primary profound opposition to the EU reform treaty is nothing more than window dressing, will the SNP—and, indeed, the Conservatives—tell Parliament what are their real objections to the sensible and proportionate reforms to the EU in the treaty?

**Linda Fabiani:** Would Iain Smith concede that what the UK Government was doing prior to the 2005 election was no more than window dressing?

**Iain Smith:** Yes. I am not answerable for the UK Government and have no intention of answering for it.

The SNP and the Conservatives must tell us whether they think that the institutions of the EU are working fine as they are. They were set up for a union of 12 members; are they really still appropriate for a union of 27? What are the SNP's and the Conservatives' objections to setting out more clearly the limitations on the competences of the European Union? What are their objections to the strengthening of the principles of subsidiarity, which require that the European Union should only act when it adds value, or to enhancing the role of national parliaments to block EU legislation that does not comply with the principles of subsidiarity? What are their objections to the treaty's formal recognition of regional parliaments such as ours or to increasing the EU's democratic accountability by increasing the European Parliament's role by extending the areas of co-decision with the European Council?

**Gavin Brown (Lothians) (Con):** Will Iain Smith give way?

**Iain Smith:** I am running out of time.

What are the SNP's and the Conservatives' objections to reducing the size of the European Commission? On qualified majority voting, what

are their objections to improving decision making in energy policy or humanitarian aid while retaining national control in justice, social security, tax and defence?

The UK opt-outs on justice and home affairs and the charter of fundamental human rights may continue to leave our citizens with fewer rights than those in the rest of Europe, but they also remove the last arguments in favour of a referendum on the reform treaty. The question that the supporters of a referendum on the EU reform treaty must answer is whether they are against the reform of the European Union or against the European Union.

In the UK, we have suffered too long from being the tail-end Charlies of Europe. It is a matter not so much of the tail wagging the dog as it is a matter of the tail dragging the dog back so that we miss out on our share of the bone. Because of a hostile media and, at times, equally hostile Governments, we have lost out on long-term gains by playing to narrow short-term national interest—for “national”, we can usually read “party”—instead of embracing Europe to gain maximum advantage for the United Kingdom, Scotland and our citizens.

Despite that, Scotland and the UK have gained greatly by being members of the European Union. As I said in our debate in November, we must not forget that the EU rose from the ashes of two world wars that devastated Europe last century.

As part of the European Union, we are part of the world's largest trading bloc, which provides huge economic benefits for the United Kingdom. The single market has opened up opportunities for consumers, who can now buy goods from anywhere in the EU. Competition rules have driven down prices—for example, in telecommunications and air fares. We can work anywhere within Europe, and we have European migrant labour coming in to fill labour gaps in areas such as tourism, the rural industries and dentistry.

We have had many other benefits from being part of Europe, but Europe is not perfect. The reform treaty is vital for Europe, and good for Scotland and the UK. Reform is overdue and we cannot afford further delay from those who seek to pick a fight.

The Liberal Democrats do not believe that there is a need for a referendum on the reform treaty. Although we might not agree with everything in it, as a package it will bring about significant improvements to the democratic working of the European institutions. That is why we will oppose the motion and support the amendment.

**The Deputy Presiding Officer:** We move to the open debate—I ask for speeches of six minutes.

15:55

**Gil Paterson (West of Scotland) (SNP):** Last week, we witnessed European leaders beaming from ear to ear, patting each other on the back, and hugging and kissing like a striker receiving adulation for scoring the best and most vital goal ever—that is, until the next most vital goal. What a spectacle, what pomp, and what a sell-out. They have connived and deluded, and conjured up a mumbo-jumbo of words to disguise and conceal from their own people the fact that they have signed the self-same thing that was conclusively rejected—the European constitution. The back-slapping bunch of so-called world leaders deluded only themselves with the smoke-and-mirrors scheme that they thought they had pulled off so well when they claimed that they had signed a brand new treaty.

However, that scheme had one vital flaw—one little aspect—that blew it apart and is hard to overlook. Did we have to trawl through all the scripts, documents and clauses to find that vital flaw? Did we have to call in hordes of researchers to uncover the stark truth? Did we have to spend a king's ransom to employ the best legal minds on the planet to expose them? No, we did not need to do any of that—the European leaders themselves told us.

Angela Merkel, the German Chancellor, said:

“The substance of the constitution is preserved. That is a fact.”

She went on to say that she wanted the new treaty to

“use different terminology without changing the legal substance”.

Elmar Brok, the chairman of the European Parliament's Committee on Foreign Affairs, said:

“Despite all the compromises, the substance of the draft EU Constitution has been safeguarded.”

Rodríguez Zapatero, the President of Spain, said:

“We have not let a single substantial point of the constitutional treaty go”.

Giscard D'Estaing, former President of France and chairman of the convention that wrote the constitution, said:

“Public opinion will be led to adopt, without knowing it, the proposals that we dare not present to them directly”,

that

“All the earlier proposals will be in the new text, but will be hidden and disguised in some way”

and that

“What was difficult to understand will become utterly incomprehensible, but the substance has been retained”.

He went on to say:

“Why not have a single text? The only reason is that this would look too much like the constitutional treaty. Making cosmetic changes would make the text more easy to swallow.”

Finally, Giuliano Amato, former Italian Prime Minister and vice-chairman of the convention, gave the game away and all the deceptions when he said:

“The good thing about not calling it a Constitution is that no one can ask for a referendum on it.”

Labour promised a referendum and, of course, Gordon Brown sneaked in to sign up to the deception to avoid a referendum. The SNP wants a referendum on independence, so that we can give to the Scottish people and our country all the powers that we need. Labour does not want a referendum on the treaty, so that it can give away all the UK's powers to Europe. The SNP believes in the sovereignty of the people. Labour believes that the people are mushrooms to be kept in the dark and fed crap. When politicians who claim to be European leaders treat the peoples of Europe with such disdain and contempt, democracy is the loser in the long run.

In a previous debate on the matter, I pleaded with Gordon Brown to keep his word and give the people the referendum that he and his party promised. Given last week's events and Gordon Brown's actions, it is clear that my call fell on deaf ears. I ask him again to keep his word and hold a referendum. If he says no, I hope that it will be he who pays the price, not the people and democracy.

16:00

**Helen Eadie (Dunfermline East) (Lab):** It is unfortunate that the previous speaker used such unparliamentary language. However, that is my opinion.

This is the third time that we have had a debate on the EU, as Malcolm Chisholm rightly said. My father-in-law would have described today's debate as filibustering: it is just an excuse for a Government that is frightened to have a debate about health. I am on the Health and Sport Committee, and precious little has been said about—

**Michael Russell:** Will the member take an intervention?

**Helen Eadie:** Linda Fabiani did not take an intervention from me, so I do not see why I should take an intervention from Mr Russell.

The Government is frightened of a debate on health, but it is important to the people of Scotland that we have such a debate. I welcome the fact that the Cabinet Secretary for Health and Wellbeing said last week that we will have a

debate on health in due course, but it has been a long time coming.

I welcome Linda Fabiani's statement that the Government is pro-European, but if that is the case, why is it lying in bed with the Tories, who are known to be so anti-European?

**Linda Fabiani:** Will the member take an intervention?

**Kenneth Gibson:** Will the member take an intervention?

**Ted Brocklebank:** Will the member take an intervention?

**Helen Eadie:** I am surprised that Linda Fabiani, as a pro-European, would work with that lot. Her accusation plays into the hands of EU opponents and those who would take us out of the EU—*[Interruption.]*

**The Deputy Presiding Officer (Trish Godman):** It would appear that Ms Eadie is not taking interventions at the moment.

**Helen Eadie:** I have spent all my adult life working to forge alliances across the EU and to forge links and better bonds between all the EU nations. I was delighted to hear Iain Smith's excellent speech, which came closest to describing the European situation that confronts us at the moment.

I have visited Brussels and Strasbourg many times, and I see no reason for us to oppose attempts to modify the treaties. The treaties would fill many rooms. That is the thrust behind the attempt to simplify the text of the treaties. At present, they are a Mecca for the solicitors.

Ted Brocklebank is so wrong about Gordon Brown. I know Gordon Brown very well. He is one of my constituents. I have worked with him for the past 30 years. He is not just my constituent, he is a very close personal friend. Last week, he would have been damned if he had and damned if he had not gone to the special signing of the treaty. He was called before the Liaison Committee at Westminster to answer serious questions on terrorism and a variety of other matters. If he had not been there, he would have been damned, but because he did not go to sign the treaty along with others, he was damned. He could not win. I believe that he was right.

Labour promised that there would be a referendum if there was a constitution, but the reform treaty is not a constitution. The mandate for the intergovernmental conference that drew up the reform treaty stated:

"The constitutional concept, which consisted in repealing all existing Treaties and replacing them by a single text called 'Constitution', is abandoned."

The treaty is fundamentally different, especially for the UK, which has secured special arrangements in several areas. In the treaty, there is no mention of a constitution, the primacy of European law, an anthem, a flag or a motto. What we are hearing from the Tories and the SNP is just political opportunism.

Labour does not support a referendum on the treaty. The treaty is not integrationist. It sets out what the EU can and cannot do. It ensures that foreign policy remains at intergovernmental level, it protects national security, it gives national Parliaments a greater role and it provides a way for an enlarged union of nation states to work together for mutual benefit. It is critical that we take on board those points.

Scotland's subsequent route to EU membership could be tortuous if it followed the route to independence proposed by the SNP.

"The SNP's use of the phrase 'Independence in Europe' seeks to persuade the Scottish electorate that it can have its cake and eat it ... the real situation is that an independent Scotland might end up with all the insecurities of independence and none of the benefits of EU membership."

Those are not my words, but the words of Matthew Happold, a well-respected academic, said in January this year.

It would behove some members to take on board how much signing the treaty and getting it out of the way will allow us to move on. As the Prime Minister says, the treaty will allow us to move on to the issues that matter to the people of Scotland and the UK. It will allow us to protect our common law system, our police and our judicial processes. Above all, it will allow us to talk about the important issues that matter to us all throughout the UK. It will stop the navel gazing of looking simply at structural issues. The people of Scotland want us to pay attention to the substantive issues and they want the debate to move on from the sterile debate that the Tories and the SNP are giving us today. I will have no hesitation in supporting the amendment.

16:07

**Keith Brown (Ochil) (SNP):** Malcolm Chisholm says that Alex Salmond is worth quoting, and I certainly agree. However, Gordon Brown is also worth quoting sometimes, so let me quote him—or at least his manifesto. He said that the treaty is

"a good treaty for Britain and for the new Europe. We will put it to the British people in a referendum and campaign whole-heartedly for a 'Yes' vote to keep Britain a leading nation in Europe."

The point has been made about the obvious betrayal in going back on that promise, but we should pay attention to the phrase "leading nation

in Europe". How can the UK be a leading nation when the Prime Minister skulks into the room to sign the treaty after everyone else has left? That is political cowardice.

It is said that a week is a long time in politics, but two and a half years is obviously even longer. It has been time enough for Labour to change its views. I had hoped that, coming from a party that is adept at accusing others of breaking promises ad nauseum, Malcolm Chisholm would at least have the decency to concede that the Labour Party had broken a promise on the treaty.

The Labour Party has a special relationship with referendums. It held one for the Scottish Parliament because, we were told, Tony Blair was not a great fan of devolution and he wanted to lose—at least, so the rumours go. Yet Labour has proposed other referendums that it thought, or at least said, it would win. Members may remember that we were promised a referendum on the euro in Labour's 1997 manifesto, as well as a referendum on proportional representation at Westminster. It also proposed a referendum on the European treaty. Those are referendums that Labour has not held. It feels like the Labour Party is really committed only to referendums that it thinks it will lose—on which basis we look forward to support for a referendum on Scottish independence. The UK Government should hold a referendum on the EU reform treaty. If it does not, it will be not just the Labour Party but democracy itself that loses.

The Lib Dems for once had a point when Vincent Cable noted that no one under the age of 50 has had a vote on the EU. Incidentally, we are still waiting for one on the Act of Union 1707. However, it is the same for every other constitutional matter: referendums happen when specific proposals are put forward. The Lisbon treaty is a specific proposal, or a large set of significant proposals, and it—not the wider question of the EU in general, which is the subject of consensus across the political spectrum, aside from one or two fringe parties—should be voted on.

Such consensus is fairly rare. In the SNP, we have been campaigning for independence from London for 73 years, but we are happy to support the principles of the European Union, which is not a federation but a confederation.

**Mike Rumbles:** We are halfway through the debate, and I wonder whether the member can enlighten us: what is the SNP's position on the treaty? Is it in favour of it or against it? It is a simple question.

**Keith Brown:** Our position is evident from what I have said and what I am about to say, so if the member listens, he will understand.

The principles of confederation and subsidiarity—devolving decision making to the level that is closest to the people—are ignored when Governments go back on promises to consult people through a direct vote. Governments should remember that they govern in the name of and as set out by the people. When they change that substantially, their authority is diminished.

Those principles are also violated when the European Union takes on too much or centralises unnecessarily. Opposition members will not be surprised or delighted that I cite control over marine policy as an example of that. The Lisbon treaty entrenches Brussels's dominance over Scotland's biological marine resources, just as the UK grants London dominance over one or two other important offshore resources that I could name. I would prefer not to have either of those impositions, but getting rid of one would not be a bad start.

Fishing has been—deservedly—a red-line issue for the SNP for many years. It is a vital Scottish interest that is proportionally far more important to Scotland than it is to the UK as a whole. That is another sign of how the interests of Scotland and of the UK diverge.

As I have said before, unexpected common viewpoints can be found on fishing. For example, a Labour MP said on 26 April 2004:

"I think there is an argument for repatriation of control over fisheries and that the SNP has a valid point."

Those are, of course, the words of George Foulkes. Perhaps he will join the rest of his party in changing his mind not only on European control over fisheries but on a referendum. The Labour Government in Westminster is abandoning its promise to give the people a chance to have their say. That is bad for democracy and a disaster for trust in politics.

As for the point that Margo MacDonald made—unfortunately, she has left—we must constantly challenge ourselves and the EU to ensure that what the EU does benefits everybody and that there is interest in its policies. We should do that for ourselves and on behalf of the Scottish people.

The EU has been partly responsible for the peace that we have had since 1945, for the open markets that we enjoy, for workers' rights—when Her Majesty's Government has not tried to undermine them—and for many other developments, including environmental benefits. However, we must be aware of the dangers of an overweening EU, which can happen. The minister has taken the right approach in guarding against that danger while embracing the benefits.

I will point out one or two inconsistencies. The Tories did not want a referendum on the



Maastricht treaty, but they want a vote on the Lisbon treaty. The Lib Dems are inconsistent and illogical, because they want to put a question that nobody else is asking. If Iain Smith thinks that it is impossible to vote against a treaty and remain a member of the EU, perhaps he should tell that to Holland, France, Ireland or Denmark. Labour wanted a referendum on the Maastricht treaty, but it does not want one on the Lisbon treaty, even though it explicitly promised one.

Helen Eadie mentioned an auld alliance. It is strange to hear that from a member of a party whose leader, Gordon Brown, has said that the SNP and the Tories are working together to undermine the union in the UK, at the same time as his party has joined with the Tories to save the UK. There is not much logic behind that position.

I commend the minister's balanced approach. She is looking after Scotland's interests. I urge members to support the motion.

16:13

**Gavin Brown (Lothians) (Con):** I will pick up Keith Brown on his point about the Maastricht treaty—at no time did the Conservative party have a manifesto commitment to hold a referendum on that treaty, which is what makes the Lisbon treaty different.

It is time for us to refocus the debate. The debate is not about whether we are pro-European, anti-European or something in-between, or whether we think that the status quo is acceptable. The debate is purely and simply about whether a referendum should be held on the Lisbon treaty. The facts are clear. At the previous general election, the Conservative party and the Labour Party had clear and unambiguous manifesto commitments to a referendum on the constitution. For Iain Smith's benefit, I add that the Liberal Democrats also made a manifesto commitment to a referendum on the constitution.

**Iain Smith:** There is no constitution any more.

**Gavin Brown:** Just because Mr Smith says that the treaty is not a constitution does not make it so.

We need to consider in what ways the Lisbon treaty is different from and the same as the EU constitution. On the different side, we have heard precious little, not just in this debate but in previous debates. It has been said that there is no reference in the treaty to an EU flag, anthem or motto, therefore it cannot be a constitution, and we have heard about the famous red lines—or red herrings, as Mr Brocklebank called them—but the bottom line is that the red lines that the Government now talks about are identical to those that were talked about in 2004, when we proposed a referendum on the constitution. Nothing has

changed in that regard. Just because Helen Eadie says that the treaty is not a constitution but is just a treaty does not make it so. That claim has about as much credibility as her saying that she would not take any interventions because the minister did not do so, although everybody in the chamber saw her taking two interventions.

In what ways are the treaty and the constitution the same? The veto would be lost in 60 areas, across a whole spectrum of policy fields—energy, employment, transport, justice, home affairs, intellectual property, the EU diplomatic service and health, to name a few. We have heard about the president, who would be in post for five years, and about the equivalent to a foreign secretary, under article 9 of the treaty. There is the ratchet clause in article 48, which would allow the treaty to be self-amending. That means that it could be revised and additional vetoes could be removed without an intergovernmental conference.

The Charter of Fundamental Rights of the European Union is referred to specifically. According to many legal opinions, EU judges could meddle firmly and strongly with UK labour laws. In total, 240 of the 250 provisions are pretty much identical or achieve almost the same result as the constitution, which is no great surprise, because under paragraphs 1, 4 and 18 of the mandate of the intergovernmental conference that set up the treaty, everything that was new in the EU constitution would be in the new treaty, unless specified otherwise. That was the IGC's starting point.

Neither in previous debates nor today have we heard about anything specific that has been left out of the EU treaty, although we have a range of comments from people who have given their opinions independently. The Labour MP Gisela Stuart, whom Ted Brocklebank quoted, said:

“96% of it is a word-for-word carbon copy ... This is a deeply dishonest process”.

That beats Malcolm Chisholm's point about humans and mice being 90 per cent identical. He needs to find a new analogy now that the figure is 96 per cent.

**Robin Harper:** Ninety-eight per cent of our genetic material is the same as that of chimpanzees. Are we chimpanzees in this chamber?

**Gavin Brown:** That could be debated at length.

I return to the serious point of the debate—it is disappointing that the Greens cannot make a serious point. Valéry Giscard d'Estaing, who wrote the constitution, has been quoted. I had a look at his website and his blog. He has said:

“I have taken on the work of comparing the draft of the new Treaty of Lisbon with ... the 'nine essential points”

of the constitution. He said:

“To my surprise, and, to tell the truth, to my great satisfaction, these nine points reappear word for word in the new project. Not a comma has changed! The only thing is that you have to really look for them because they are dispersed in the texts the new Treaty refers to ... The only difference is that the qualified majority voting”

that he wanted

“is put off until ... 2014”

instead of coming in immediately after ratification. To take matters further, *The Economist*, which is a fairly balanced magazine, has said that any Governments that promised a referendum but now refuse to hold one

“are being dishonest when they claim the new one is so different that those promises are moot”.

There is a robust, watertight case for a referendum. The treaty is a constitution in all but name. No evidence has been presented to suggest that the treaty and the constitution are different. Therefore, we should have a referendum.

16:19

**Irene Oldfather (Cunninghame South) (Lab):**

It goes without saying that the debate has something of déjà vu or “Groundhog Day” about it. I always welcome the opportunity to debate Europe.

There has been much discussion about whether the reform treaty is a constitution and to what extent there are similarities between the present text and previous texts. Valéry Giscard d'Estaing and Gisela Stuart have been quoted. I will quote the deputy president of the convention on the future of Europe, Giuliano Amato, who said:

“If someone in the UK is calling for a referendum, that is not because the text that we have in front of us is a Constitution.”

I quote Giuliano Amato not just because he was deputy president of the convention on the future of Europe and is a former Prime Minister of Italy but because he was a full professor of comparative constitutional law at the University of Rome for more than 20 years.

Further, the German conservative President of the European Parliament, Hans Pöttering, said:

“Since making the Charter legally binding and extending the Community competence to JHA were two of the most important features of the original constitution, the deal struck by Tony Blair in June means that—for better or worse—much of the substance will simply not apply in Britain.”

Of course, the opinions that I have quoted are personal opinions. It is important to look at one or two legal reviews in other member states. The

Netherlands Council of State reported a few weeks ago:

“The purpose of all these changes is to rid the proposed Reform Treaty as far as possible of the elements from the Treaty establishing a Constitution for Europe ... This means that the proposed Reform Treaty is substantially different from the Treaty establishing a Constitution”.

Finally, but perhaps most important, just last week in Denmark the Ministry of Justice published a report following a legal judicial review of the treaty, which concluded that a plebiscite is unnecessary in Denmark because the treaty does not transfer new powers to the European Union. The reason why that is so significant is that the Danish constitution explicitly stated that any international treaty that transfers sovereignty from the national Government must be agreed by a referendum before it can be ratified. That is why a referendum was previously planned in Denmark. The recommendation of the Danish Ministry of Justice, which echoes the views of the Netherlands Council of State and the Czech Government, exposes the inaccuracy of the claims of Conservative and SNP members.

I want to pick up a few points that the minister made in her opening remarks on the background to the future of Europe debate. I am possibly the only member present—perhaps with the exception of Iain Smith—who conducted the future of Europe inquiry with the previous European and External Relations Committee and made several submissions to the debate, which were agreed by members of all the parties on the committee, including Conservative and SNP members, and which made no reference to marine biological conservation because that was not raised in the evidence that was taken, including evidence from Sir Neil McCormick.

In forming our view, we on the committee held a convention in the Scottish Parliament at which ordinary citizens from throughout Scotland were invited to tell us what they wanted from the European Union. On the basis of that and months of evidence taking, our submissions on the future of Europe were made.

We can argue till the cows come home about what percentage overlap there is between the constitution and the treaty. Is it 60 per cent, 90 per cent or 95 per cent? If it were 60 per cent, would the Conservatives be more willing to accept it? I rather doubt it. I note that if one changed the United States constitution by 10 per cent, one could create a dictatorship. The range of opinion on the matter is as wide as Santa's Christmas list is long. Therefore, we need to evaluate what is pragmatic.

We agreed to enlargement and so Europe must reform. I return to the question that I posed when we first debated the matter in the chamber in

September. Does the amended treaty allow us as parliamentarians to do a better job on behalf of the people of Scotland? An answer to that was reflected in the views of MEPs of all political parties just a few weeks ago when they came to the European and External Relations Committee. They said that yes, with some caveats, it does.

It is ironic that a Government that intends to deny the people of Scotland a second referendum on the detail of a negotiated settlement for independence, on the basis that that is for the Parliament to decide, wants to ask the people of Scotland to read the entire Lisbon treaty and to vote on it in a referendum. When we had the debate on the future of Europe, I recalled that, sadly, more people had voted in "The X Factor" and "Pop Idol" than in European elections. However, the Conservatives and the SNP would ask the people of Scotland to read the whole European reform treaty and to vote on it. It is unbelievable, but the parties opposite would have us call a referendum—

**The Deputy Presiding Officer:** You should be finishing now Ms Oldfather.

**Irene Oldfather:**—and would ask the Scottish people not to vote for a party or a person but to read a whole treaty. We are a parliamentary democracy; we should have an informed debate and take decisions on these matters—

**The Deputy Presiding Officer:** You must finish now, Ms Oldfather.

**Irene Oldfather:**—in the right place and for the right reasons. Too much is at stake—

**The Deputy Presiding Officer:** I call Mike Rumbles.

**Irene Oldfather:**—for Scottish jobs and Scottish manufacturing. I support—

**The Deputy Presiding Officer:** I am sorry, but will you sit down please.

16:26

**Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I will concentrate on one of the most important and topical elements of our dealings with Europe: fishing.

The SNP claims to be a pro-European party, but we could not have guessed that from some of the speeches that we have heard today. The SNP MEP Ian Hudghton said that the SNP would oppose the draft EU reform treaty if it maintained the current position on fisheries. Here we are, however, with a reform treaty that proposes no change to the competence over fisheries or the conservation of marine biological resources. Indeed, as we have heard, marine conservation has always been within the exclusive competence

of the EU. The final treaty notes the continuing state of the competence on fishing. Will the SNP Government refuse to support ratification of the treaty because of the issues to do with fishing?

**Linda Fabiani:** Does the member accept that the proposed wording of the reform treaty would entrench in primary law a proposition that has hitherto been a matter of judicial precedent in the interpretation of the UK accession treaty, and that that will make it much more difficult in future to renegotiate the common fisheries policy, which seriously needs renegotiation?

**Mike Rumbles:** I think that that was the minister agreeing with what I have been saying. The EU has always had exclusive competence over fisheries and the treaty does not change that.

I made the point halfway through the debate, which is coming towards the end, that it is a bit rich for the SNP to hide behind a debate on a referendum on the treaty when it will not tell anyone whether it is in favour of the treaty or against it. It is time for the SNP to make its mind up.

**Kenneth Gibson:** On that point, the SNP is against the treaty as it is currently written. I thank Mr Rumbles for his graciousness in letting me make this intervention. Why will the Liberal Democrats' second-best leader of the week, Mr Clegg—a self-proclaimed listening leader—Mr Rumbles and the rest of their party not listen to the people who want to have a referendum? Is the party's name an oxymoron?

**Mike Rumbles:** The last time I looked, we lived in a representative parliamentary democracy, which is why we have a Scottish Parliament for which we both campaigned for many years. Should we have government by referenda instead? I do not think so.

**Murdo Fraser:** Will the member give way?

**Mike Rumbles:** No; I have given way already.

On fishing, instead of doing what is best for Scotland, the SNP continues to posture and grandstand—it is as simple as that. If the SNP genuinely wants to do something positive for Scotland, and for Scotland's fishing communities in particular, it should realise that it is more important to ensure that Scottish interests are represented when the UK position is agreed with our colleagues in the other countries of the UK than it is to demand that Richard Lochhead be allowed simply to read out an agreed position at the EU negotiations. That is a silly thing to pursue.

Because fishing seems to be the key to the SNP's position on the reform treaty, it is worth examining the issue in some detail. One year ago, when he was just a shadow minister, Richard Lochhead published his 10 priorities for getting

fishing communities on the road to recovery. Those were the decoupling of cod management from that of other species, increased quotas, including the haddock quota, an increase in the number of days at sea, and so on. Now that the SNP has been in power for seven months, it has had ample time to get moving on and to achieve some, if not all, of those 10 goals.

How many of the SNP's 10 so-called priorities will have been delivered when Richard Lochhead returns from Brussels today? Exactly zero. Instead of an increase in the number of days at sea—which, in opposition, Richard Lochhead claimed was a priority—we will be left with a cut. Instead of the increase in quotas that the SNP previously identified as a priority, we will have an 18 per cent reduction in the North Sea haddock quota and a 15 per cent reduction in the west of Scotland haddock quota. The list goes on. [*Interruption.*]

What a failure Richard Lochhead has been. He has been given an easy ride by the fishing industry since taking office but, as we all know, the proof of the pudding is in the eating. The SNP's record on delivering on its promises to our fishing communities has been and is woeful. The cabinet secretary tries to talk a good game, but the SNP's record has not been lost on our fishermen.

The SNP needs to come clean in the debate and clarify its position on Europe. I understand the clarification that Kenny Gibson has given, but I wonder whether the minister, representing the SNP Government, will take such a stance in his summing up. Will he make it absolutely clear to us that the SNP Government is against the treaty? The SNP cannot have it both ways.

If SNP members fail to tell the Scottish people exactly where they stand on Europe, it will be difficult for them to dispel the commonly held belief that motions such as the one that is before us today, which demands a referendum on the European treaty, are a cynical effort to promote their own attempts to hold a referendum on the independence of Scotland. We have heard that in comments that have been made from a sedentary position by members such as Kenny Gibson.

The European reform treaty is too big an issue to be derailed by the SNP's petty party politicking on referenda. The Scottish National Party must finally realise that constitutional wrangling and bickering with Westminster should be of secondary importance to securing a good deal for Scotland and, in particular, our fishing communities.

**The Deputy Presiding Officer:** We now move to wind-up speeches.

16:32

**Ross Finnie (West of Scotland) (LD):** To some extent, this has been a depressing debate. I well appreciate that the Government is entirely entitled to lodge a motion calling for a referendum, but one might have thought that the major substance of the debate would have been to make the point that a referendum was wanted because of the issues and elements on which people wanted to concentrate. However, apart from making it clear that in any referendum the SNP would campaign against the treaty wholly and solely because of fisheries, SNP members have not given the rest of the treaty the credit or analysis that it deserves.

It is wrong to start counting the number of new words in the treaty and weighing them in the balance. The treaty divides itself into a number of serious compartments. One issue is the need to improve the whole nature of the European Union by enabling it to operate satisfactorily now that it has been extended to 27 member states. We cannot simply overlook the need for further extension of the principle of subsidiarity or gloss over the need for a reduction in the size of the Commission. We cannot say that making qualified majority voting the general rule will not hugely improve the EU's operation. Increasing the number of policy areas that are to be decided under the co-decision procedure is not a fundamental issue that will change radically the constitution of this country or any other member state. However, those are extensive reforms that will be made under the treaty.

Because of that, we get down to one or two issues. Ted Brocklebank was utterly dismissive as he attempted to conceal his barely concealable distaste for the whole European Union project. He went on about the honour of Gordon Brown, but that was a thinly veiled cover for his outright opposition to anything whispering of the European Union. His contemptuous dismissal of a permanent president of the EU Council—

**Ted Brocklebank:** Will the member give way?

**Ross Finnie:** I will just finish this point.

However, anybody who has attended meetings of the Council of Ministers knows—as I do after attending 40 of them—that having a changing presidency every six months is a wholly inefficient way of running the business. To have a permanent president will be a much better arrangement.

Secondly, deletions that have been made ensure that the United Kingdom still retains control of its foreign affairs. In any case, we should welcome the fact that at this time of tremendous pressure from the hegemony of United States foreign policy there will be one representative from the European Union to represent the Union in foreign councils.

**Ted Brocklebank:** Will Ross Finnie remind us again of the Liberal Democrats' attitude towards having a referendum? I seem to remember that, when he was leader of the party, Menzies Campbell had a particular attitude towards the issue; indeed, I believe that he supported having a referendum. What is the party's current policy?

**Ross Finnie:** The member should not quote statements from Menzies Campbell that he was obviously not present to hear. I was at the private conference at which Menzies Campbell made it clear that if—as the Conservatives clearly wish—we were going to have a debate on whether we should be in or out of the Union, he would want to have one.

**Ted Brocklebank:** He wanted a referendum.

**Ross Finnie:** Not on this treaty. Mr Campbell did not say that at all.

In the current treaty, three or four issues that affect the UK are now fundamentally different from those in the original proposition. First, in order to reflect UK law, the treaty now contains safeguards on the justiciable elements of the charter of fundamental rights. That was not the case before. Secondly, Britain can now choose to take part in justice and home affairs initiatives. Thirdly, Britain now retains control over its national defence and foreign affairs. Finally, not only have all references to the constitution been dropped, but a careful reading of the treaty makes it clear that the existing treaty structures remain.

**Linda Fabiani:** Is Mr Finnie aware that the report by the House of Commons European Scrutiny Committee, which is chaired by Michael Connarty, doubted whether the protocol on the charter of fundamental rights would prevent UK courts from being bound by European Court of Justice judgments? Is Mr Finnie content that the UK Government fully investigated these issues?

**Ross Finnie:** I am not and have never been a spokesperson for Michael Connarty; indeed, he and I contested an election in 1983. I am quite clear that these matters are not justiciable in this country.

As far as control of the marine biological resource is concerned, I am sure that, when he winds up, the minister will continue the debate over entrenchment rather than set out the law as it stands. There is of course an issue about managing the control of the biological resource and the common fisheries policy, but to suggest that, with regard to effective environmental control over the seas, where neither plankton nor fish respect national boundaries—

**Michael Russell:** But what about national management?

**Ross Finnie:** That is what I am saying. That sort of management is very different from the kind of overarching control over the conservation of the marine biological resource that the EU has. If we give these matters back to the member states, we will attempt to do the impossible. The issue can be managed, but we need overarching principles that recognise that fish do not carry national flags.

A careful reading of the changes that have been made to the treaty show that we now have a long-overdue reform that will enable Europe to get on with its business more efficiently. The Treaty of Lisbon will greatly improve the Union's democratic character by increasing Parliament's powers, entrenching the principles of the charter of fundamental rights and strengthening the rule of law. For all those reasons, the treaty can be agreed. Moreover, because it does not affect our constitutional position, such agreement does not require a referendum.

16:39

**Murdo Fraser (Mid Scotland and Fife) (Con):** The Scottish Conservatives warmly support the call in the Scottish Government's motion for the UK Government to have a referendum on the new EU treaty. I certainly do not agree with everything that the minister said in her opening remarks—for example, I did not think that it was necessary or appropriate for her to bring up once again the issue of independence and separate representation for Scotland—but I agreed with many of her comments, particularly on the key issue of whether there should be a referendum.

It was not so long ago that the proposal was for a new EU constitution. As we heard in the debate, there was never any doubt that such an issue should be subject to a referendum. As Ted Brocklebank said, the Labour Government made it clear in its manifesto that it believed that the constitution should be put to the people's vote. Now the argument is that because we have a treaty rather than a constitution, a referendum is not required. As we have heard throughout the debate, however, the treaty is just the old constitution reinvented, with some very minor changes.

The treaty will create the new post of EU president, who will control a power base of 3,500 civil servants. For the first time, the EU will have a foreign minister, but he will not be called the high representative of the Union for foreign affairs and security policy. The EU will be given a single legal personality for the first time, 60 further national vetoes will be abolished at a stroke and the EU will acquire new powers over criminal justice matters.

Crucially, the fact that the old constitution has simply been rebranded as an EU reform treaty is acknowledged by leaders from across Europe. Members have been bandying quotes around all afternoon, so let me produce some of my own. The German Chancellor Angela Merkel said:

"The fundamentals of the Constitution have been maintained in large part."

The Irish Prime Minister Bertie Ahern said:

"Thankfully they haven't changed the substance—90 per cent of it is still there."

Valéry Giscard d'Estaing, who drafted the original constitution, said of the treaty that the public was being

"led to adopt, without knowing it, the proposals that we dare not present to them directly."

On the position of EU foreign minister, Bertie Ahern said:

"It's the original job as proposed but they just put on this long title".

The new treaty is a constitution in all but name, and that is precisely why we need a referendum.

I am delighted that the SNP has joined us in calling for a UK referendum in which the issue would be put to the people. I am disappointed but not surprised by the fact that the Labour Party is sticking to its guns and loyally defending Gordon Brown, whose position is indefensible; that is only to be expected. However, the Liberal Democrat approach to the issue is, frankly, bizarre. Not so long ago, under their former leader, poor old Ming the hapless, who was brutally assassinated in the traditional Liberal manner—he was stabbed in the back as he shuffled down the road to collect his pension—

**The Deputy Presiding Officer:** Just be a wee bit careful, Mr Fraser. I am not really happy with such remarks.

**Murdo Fraser:** Under Ming Campbell, the Liberal Democrats supported a referendum, not on the reform treaty, but on whether we should be a member of the EU at all.

**Mike Rumbles:** Will the member take an intervention?

**Murdo Fraser:** I will be happy to let Mr Rumbles rebut my point once I have made it.

Membership is not the point in question, because it is quite possible to reject the European treaty or constitution and still to be good Europeans who want to be part of the EU. As I said in debate a few weeks ago, the Liberal Democrat position is a bit like taking someone to a very expensive restaurant that has an extensive menu and telling them that if they will not eat the tripe, they will have to go home hungry.

**Mike Rumbles:** On the subject of tripe, the Conservatives have joined the SNP in calling for a referendum on the treaty. How long will it be before they join their SNP colleagues in calling for a referendum on Scottish independence?

**Murdo Fraser:** We will never support a referendum on independence. I will take no lessons on referendums from Mr Rumbles when his party cannot make up its mind. Perhaps there is hope, however. Under their new leader—Chris Clegg—the Liberal Democrats might finally make up their minds on their position.

Did rejecting the EU constitution make the people in France or those in the Netherlands bad Europeans? No, it did not. It is not a question of being in or out of Europe; it is a question of the type of Europe that we want, and the people have a right to choose.

The Labour Government has tied itself in knots over the issue and seeks to deny the people a referendum. Gordon Brown could not even bring himself to turn up to the signing ceremony in Lisbon. He sneaked in the back door and signed it late. Poor old David Miliband was sent all alone to be present at the ceremony. When all the other foreign secretaries from across Europe were shaking the hands of their heads of Government to celebrate, he was left shaking the hand of poor Ms Verena Schubert, an usher in the building. Poor old David Miliband was left hanging out to dry by our Prime Minister.

The Prime Minister and the Labour Party were so reluctant to associate themselves with the treaty that they would not even turn up for the formal signing. That tells us all that we need to know about their confidence in the measures. The matter should be referred forthwith to a people's referendum. It is right that people should have their say, which is why we are pleased to support the motion.

**The Deputy Presiding Officer:** Because members did not finish their speeches when I asked them to do so, I could not call Kenny Gibson and the final two speakers will be one minute down.

16:45

**Malcolm Chisholm:** I remind Murdo Fraser that Gordon Brown at least turned up to sign the treaty, which is more than Margaret Thatcher did for the Single European Act or John Major did for the Maastricht treaty.

On more substantial matters, I fear that my prediction about the exaggerating and distorting arguments of the Conservatives was borne out in the debate. There are many examples, but I will give one or two. A fundamental point for many

speakers was the allegation that the constitutional treaty and the reform treaty are the same. My former colleague Michael Connarty was invoked. I do not agree with everything that Michael Connarty said in his report, but none of the members who mentioned him quoted his key comment that there is substantial identification between the two treaties

“for those countries which have not requested derogations or opt outs from the full range of agreements in the Treaty”.

Even Michael Connarty admitted that the UK belongs in a completely different category.

Murdo Fraser made the mistake of not doing that when he talked about new EU powers over criminal justice and strangely omitted to mention that the UK Government can decide on a case-by-case basis whether to opt in to a particular policy.

Ted Brocklebank talked about a common energy policy, but new article 176A says:

“measures shall not affect a Member State’s right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply”.

I hope that Ted Brocklebank welcomes the role that the EU will play in promoting energy efficiency and the development of renewable energy.

I have made the point about the EU foreign minister many times, including to Margo MacDonald when she intervened during my opening speech, so I will not waste members’ time by repeating myself.

Gavin Brown talked about the loss of the veto in 60 areas, but the extensions of qualified majority voting pale into insignificance compared with the extensions in the Single European Act under Baroness Thatcher. There are 49 extensions in the treaty, of which 13 do not apply because of the UK’s justice and home affairs opt-in and other derogations and nine are minor and technical. I think that only nine of the extensions are of genuine substance, and all of those are modest and sensible and I hope would be supported by members. For example, decisions on emergency humanitarian aid to third countries will be subject to qualified majority voting.

**Robin Harper:** If there were to be a referendum, would the Scottish Labour Party appreciate the support of the Scottish Green Party in campaigning for a yes vote?

**Malcolm Chisholm:** I welcome the positive attitude of the Green Party towards Europe, which I am sure is related not least to the new EU competence on climate change and the many other positive measures that the EU has taken on the environment.

Liberal Democrat members will forgive me if I do not spend long on their speeches. I agree substantially with what they said about fisheries and welcome their reinforcement of the point about exclusive competence over marine biological resources having been in the treaty for a long time. I also welcome Ross Finnie’s comments about the inadequacy of a presidency that changes every six months and the problems that that creates. Ross Finnie was speaking from experience.

**Kenneth Gibson:** Does the member accept that the SNP is concerned about marine biological resources because during the eight years when Labour was in power 1,000 Scottish fishing boats were decommissioned, 3,000 fishermen lost their jobs, 1,000 fish processing jobs were lost and the white-fish fleet fell by two thirds, while other European countries, such as Spain and Ireland, which had a seat at the top table, were able to increase their fishing fleets?

**Malcolm Chisholm:** It is clear from today’s news that the SNP Government has benefited from the difficult decisions on stock conservation that Ross Finnie and the previous Administration took. The member’s comments do not contradict the points that were made about exclusive competence.

Again, Labour speakers made many useful points. I cannot spend too much time on them other than to say that Irene Oldfather’s point on Denmark was particularly relevant. Helen Eadie made an impassioned speech. I endorse everything that she said and pay tribute to all the work that she has done throughout her life to forge bonds across the EU.

In my last two minutes, I must, of course, move on to address the SNP speeches. Gil Paterson included various quotes on the constitution and treaty in his contribution, which contrasted to those that Irene Oldfather and I gave. People can pick on the similarities or differences between the constitution and treaty, but key to whether a referendum is necessary are the differences. Gil Paterson may have taken the moral high ground on a referendum, as Keith Brown did, but, in my speech, I emphasised the SNP’s shifting position on the issue over the past three months. Indeed, the SNP’s position on a referendum was a key feature of the debate, along with its lack of clarity on the treaty.

Because the debate was shortened, I had to omit a section of my speech on the SNP’s shifting position on the common fisheries policy. Given that one of the ministers with responsibility for fisheries is winding up the debate, perhaps he will clarify the SNP Government’s position on the CFP. The SNP’s manifesto policy is to work towards withdrawal from the common fisheries policy.

However, it remains profoundly unclear how that policy is compatible with EU membership. The latest formulation of the SNP position on the CFP was made on 3 December when Linda Fabiani spoke of reforming it. The SNP seems to recognise that its policy on the CFP is no longer tenable. We welcome clarification from the minister on the issue.

I am sorry that I have spent so much time in both my speeches today on fisheries policy. The fact of the matter is that the Scottish Government is obsessed with that aspect of the reform treaty to the exclusion of all others. Legitimate questions need to be asked about the treaty and its implications for the Scottish Parliament, particularly in terms of justice and home affairs and the operation of the UK's opt-in. We heard nothing from the Government about that today, however. The European and External Relations Committee has also heard nothing in response to its questions on the subject. I assume that the Scottish Government has held discussions with the UK Government on the matter, but there is a complete lack of transparency on this and many other aspects of its European policies. All that we have are silence, shifting opinions and, in terms of exclusive competence, the use of a highly misguided opinion.

Above all, the debate was about the Government's sheer political opportunism in calling for a referendum. The Government was misguided in lodging the motion. A call for a referendum is totally out of step with the people of Scotland's attitude toward Europe, which is positive and realistic—unlike the view of the Scottish National and Conservative parties.

16:52

**The Minister for Environment (Michael Russell):** As a number of speakers said in summing up, many members have been disappointed by the debate. I am sure that that is also true of Sir Neil MacCormick, who is in the gallery. He knows more about Europe than almost anyone in the chamber.

The debate reminds me of the Christmas crackers that one gets at a certain type of luncheon. They start well—they look good and go off with a bang. I am sure that my colleague, the Minister for Europe, External Affairs and Culture, will not mind my saying that about her opening speech. Then, however, one is confronted with three things: a useless object the purpose of which you are not entirely sure and which breaks anyway; a small piece of paper with an inexplicable motto; and a paper hat that falls to pieces. I will allocate those three things at the start of my speech. Undoubtedly, the object that started off rather well and looked interesting, only to fall to

pieces, was Malcolm Chisholm's introduction to the debate. He said nothing to persuade the Government that he believed in the right of the people of Scotland to decide their future. That is such a fundamental thing that not to mention it in either his speech or his amendment was a major problem.

**Malcolm Chisholm:** Will the minister give way?

**Michael Russell:** No. I must make progress.

The small piece of paper with the meaningless motto was the speech from Helen Eadie. I remain completely baffled by it. Does she want Europe to be effective or does she want to argue about a variety of other issues? I do not know.

I come to the paper hat that falls to pieces. One puts on the hat only for it to slip down and eventually end up around one's neck where it becomes an annoying encumbrance. Mike Rumbles's speech was just that—an annoying encumbrance. He was also factually incorrect in what he said about fisheries and Richard Lochhead's great success today in Europe.

The debate is first and foremost about the Scottish people's right to choose their future. It is absolutely fundamental to the Parliament that the Scottish people be given that right. We argue for that right as a pro-European Government. We support a referendum, not because we believe that the European Union is fundamentally flawed, that we should withdraw from it or that we should wreck it, but because we want to establish a democratic and effective European Union of which Scotland will become a member state. The rules that govern the European Union should be in line with Scotland's priorities and democratic imperative. In short, we want a people's Europe, not a political parties' Europe.

**Mike Rumbles:** I have a paper hat here for the member, if he cares to use one. Will he make it clear whether the SNP Government is in favour of or opposed to the treaty?

**Michael Russell:** Mr Rumbles is, as usual, somewhat behind the debate, but let me be entirely clear: were Scotland an independent member of the European Union—as I profoundly hope that we will be—we would not be faced with that question. The question would be: "How well have we negotiated?" Of course, if a referendum has red lines, those red lines dictate the view of a political party. We have red lines.

**Malcolm Chisholm:** Mike Russell takes the moral high ground about a referendum and castigates me for not supporting one. Why was today's SNP line on a referendum never even mentioned in the debate on the EU reform treaty on 19 September and not articulated in the debate on 8 November either?



**Michael Russell:** My colleague Linda Fabiani informs me that it was. We are open and optimistic people—we constantly hope for the best and we hope for things to change. Not until the last minute, when we were let down by the UK Government, were we able to take our position. We were let down and we continue to be let down.

There is a lot more to the treaty than fisheries, but I will finish on that point. Fishing is of real importance to Scotland's economic prosperity, particularly that of its rural communities. That importance is all the more germane today, given that the EU fisheries council in Brussels this morning reached agreement on the days at sea for Scottish fishermen in 2008 and on some final quota issues. The deal at the council is a good one for Scotland. I congratulate Richard Lochhead on securing a groundbreaking deal for Scotland that, for the first time ever, devolves to Scotland the allocation of days at sea. If we had had that type of achievement every year, we would not have been in the difficulties that we have been in. If we can get that kind of deal as part of the UK, just imagine how much better the deal would have been if we sat on the council as an independent member state and with a reformed common fisheries policy.

I will conclude on the issue of the common fisheries policy, with its centralised, top-down, regulatory approach and the annual inefficient and resource-intensive haggling over quotas. The policy has been a failure in Europe and a disaster for Scotland. It has failed to deliver the protection of stocks that it was purported to achieve and at the same time it has deeply alienated fishermen and their communities—the very people whose confidence was needed to secure long-term sustainable fisheries. Criticism of the common fisheries policy has been going on for many years and has come from many and varied quarters. It must be one of the most unloved long-established pieces of regulation anywhere in the world. I would have said the democratic world but, alas, Europe is not democratic.

**Iain Smith** *rose*—

**Michael Russell:** Please sit down. I ask the member please not to lecture me on democracy—he is a Liberal Democrat.

Scotland is leading the way in Europe by working in partnership with our fishermen and conservation groups to bring stakeholders together to find shared innovative solutions. We accept that the Commission is making slow steps in the right direction with a greater emphasis on regionalisation, but more radical redesign is necessary. The First Minister recently announced our intention to establish an expert group to devise new and innovative ways to manage our valuable fisheries outwith the context of CFP reform. We

will press unswervingly for an effective replacement for the CFP when it ends in 2011.

The debate has been about more than fisheries, although that subject is very important. I commend our motion to the chamber. It is about giving the Scottish people the right to choose. I repeat a remark that I made some minutes ago: we want a people's Europe, not a political parties' Europe. Let us vote for the people of Scotland and the people of Europe.

## Business Motions

17:00

**The Presiding Officer (Alex Fergusson):** The next item of business is consideration of business motion S3M-1061, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, on the suspension of rule 5.6.1(c) of standing orders.

*Motion moved,*

That the Parliament agrees that Rule 5.6.1(c) of Standing Orders be suspended for the purposes of Members' Business on Thursday 20 December 2007.—[*Bruce Crawford.*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S3M-1060, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a revised business programme.

*Motion moved,*

That the Parliament agrees the following revision to the programme of business for Thursday 20 December—

after

12 noon First Minister's Question Time

delete

2.15 pm Themed Question Time  
Finance and Sustainable Growth

2.55 pm Parliamentary Bureau Motions

*followed by* Stage 3 Proceedings: Abolition of Bridge Tolls (Scotland) Bill

*followed by* Legislative Consent Motion: Climate Change Bill – UK Legislation

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business – debate on the subject of S3M-953 Bill Butler: Support Project Scotland

and insert

*followed by* Members' Business – debate on the subject of S3M-953 Bill Butler: Support Project Scotland

2.15 pm Themed Question Time  
Finance and Sustainable Growth

2.55 pm Parliamentary Bureau Motions

*followed by* Stage 3 Proceedings: Abolition of Bridge Tolls (Scotland) Bill

*followed by* Legislative Consent Motion: Climate Change Bill – UK Legislation

*followed by* Parliamentary Bureau Motions

4.30 pm Decision Time.—[*Bruce Crawford.*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S3M-1059, in the name of Bruce Crawford, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Wednesday 9 January 2008

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Ministerial Statement

*followed by* Scottish Government Debate: Serious Organised Crime

*followed by* Legislative Consent Motion: Health and Social Care Bill – UK Legislation

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 10 January 2008

9.15 am Parliamentary Bureau Motions

*followed by* Scottish Labour Party Business

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time  
Education and Lifelong Learning;  
Europe, External Affairs and Culture

2.55 pm Scottish Government Debate: Gould Report

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 16 January 2008

2.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Scottish Government Business

*followed by* Business Motion

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 17 January 2008

9.15 am Parliamentary Bureau Motions

*followed by* Scottish Government Business

11.40 am General Question Time

12 noon First Minister's Question Time

2.15 pm Themed Question Time  
Health and Wellbeing

2.55 pm Scottish Government Business  
*followed by* Parliamentary Bureau Motions  
 5.00 pm Decision Time  
*followed by* Members' Business.—[Bruce Crawford.]

*Motion agreed to.*

## Decision Time

17:01

### **The Presiding Officer (Alex Fergusson):**

There are two questions to be put as a result of today's business. The first question is, that amendment S3M-1053.1, in the name of Malcolm Chisholm, which seeks to amend motion S3M-1053, in the name of Linda Fabiani, on the European Union reform treaty, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

### **FOR**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Fergusson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marlyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Hume, Jim (South of Scotland) (LD)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 McMahan, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Elaine (Dumfries) (Lab)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Etrick and Lauderdale) (LD)

Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tolson, Jim (Dunfermline West) (LD)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**AGAINST**

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Gil (West of Scotland) (SNP)  
 Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)

Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

**ABSTENTIONS**

Smith, Elaine (Coatbridge and Chryston) (Lab)

**The Presiding Officer:** The result of the division is: For 61, Against 64, Abstentions 1.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that S3M-1053, in the name of Linda Fabiani, on the EU reform treaty, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**FOR**

Adam, Brian (Aberdeen North) (SNP)  
 Ahmad, Bashir (Glasgow) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Allan, Alasdair (Western Isles) (SNP)  
 Brocklebank, Ted (Mid Scotland and Fife) (Con)  
 Brown, Gavin (Lothians) (Con)  
 Brown, Keith (Ochil) (SNP)  
 Brownlee, Derek (South of Scotland) (Con)  
 Campbell, Aileen (South of Scotland) (SNP)  
 Carlaw, Jackson (West of Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Loudoun) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Don, Nigel (North East Scotland) (SNP)  
 Doris, Bob (Glasgow) (SNP)  
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)  
 Fabiani, Linda (Central Scotland) (SNP)  
 FitzPatrick, Joe (Dundee West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gibson, Rob (Highlands and Islands) (SNP)  
 Goldie, Annabel (West of Scotland) (Con)  
 Grahame, Christine (South of Scotland) (SNP)  
 Harper, Robin (Lothians) (Green)  
 Harvie, Christopher (Mid Scotland and Fife) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Hepburn, Jamie (Central Scotland) (SNP)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Adam (South of Scotland) (SNP)  
 Johnstone, Alex (North East Scotland) (Con)  
 Kidd, Bill (Glasgow) (SNP)  
 Lamont, John (Roxburgh and Berwickshire) (Con)  
 MacAskill, Kenny (Edinburgh East and Musselburgh) (SNP)  
 MacDonald, Margo (Lothians) (Ind)  
 Marwick, Tricia (Central Fife) (SNP)  
 Mather, Jim (Argyll and Bute) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 Maxwell, Stewart (West of Scotland) (SNP)  
 McGrigor, Jamie (Highlands and Islands) (Con)  
 McKee, Ian (Lothians) (SNP)  
 McKelvie, Christina (Central Scotland) (SNP)  
 McLetchie, David (Edinburgh Pentlands) (Con)  
 McMillan, Stuart (West of Scotland) (SNP)  
 Milne, Nanette (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Morgan, Alasdair (South of Scotland) (SNP)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Gil (West of Scotland) (SNP)

Robison, Shona (Dundee East) (SNP)  
 Russell, Michael (South of Scotland) (SNP)  
 Salmond, Alex (Gordon) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Smith, Elizabeth (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Lothians) (SNP)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Sturgeon, Nicola (Glasgow Govan) (SNP)  
 Swinney, John (North Tayside) (SNP)  
 Thompson, Dave (Highlands and Islands) (SNP)  
 Watt, Maureen (North East Scotland) (SNP)  
 Welsh, Andrew (Angus) (SNP)  
 White, Sandra (Glasgow) (SNP)  
 Wilson, Bill (West of Scotland) (SNP)  
 Wilson, John (Central Scotland) (SNP)

#### **AGAINST**

Brown, Robert (Glasgow) (LD)  
 Finnie, Ross (West of Scotland) (LD)  
 Hume, Jim (South of Scotland) (LD)  
 McArthur, Liam (Orkney) (LD)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McInnes, Alison (North East Scotland) (LD)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 O'Donnell, Hugh (Central Scotland) (LD)  
 Pringle, Mike (Edinburgh South) (LD)  
 Purvis, Jeremy (Tweeddale, Ettrick and Lauderdale) (LD)  
 Rumbles, Mike (West Aberdeenshire and Kincardine) (LD)  
 Scott, Tavish (Shetland) (LD)  
 Smith, Iain (North East Fife) (LD)  
 Smith, Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stone, Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Tolson, Jim (Dunfermline West) (LD)

#### **ABSTENTIONS**

Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Baker, Richard (North East Scotland) (Lab)  
 Boyack, Sarah (Edinburgh Central) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Margaret (Glasgow Baillieston) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Foulkes, George (Lothians) (Lab)  
 Gillon, Karen (Clydesdale) (Lab)  
 Glen, Marilyn (North East Scotland) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gordon, Charlie (Glasgow Cathcart) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Henry, Hugh (Paisley South) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Kelly, James (Glasgow Rutherglen) (Lab)  
 Kerr, Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Ken (Eastwood) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McCabe, Tom (Hamilton South) (Lab)  
 McConnell, Jack (Motherwell and Wishaw) (Lab)  
 McMahon, Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Duncan (Greenock and Inverclyde) (Lab)

McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Mulligan, Mary (Linlithgow) (Lab)  
 Murray, Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Park, John (Mid Scotland and Fife) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Simpson, Dr Richard (Mid Scotland and Fife) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Whitton, David (Strathkelvin and Bearsden) (Lab)

**The Presiding Officer:** The result of the division is: For 64, Against 17, Abstentions 45.

#### *Motion agreed to.*

That the Parliament believes that the UK Government should hold a referendum on the EU Reform Treaty.

## Border Television News

**The Presiding Officer (Alex Fergusson):** The final item of business is a members' business debate on motion S3M-464, in the name of John Lamont, on support for Border television news. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament considers that moves by ITV to merge some of its smaller regional news services should be opposed; believes that these proposals pose a significant threat to the future of Border television and would be damaging to regional news in the region; considers that a merger of Border television news with STV news services would also be a bad move for television in Scotland and would provide a downgraded service for the customer, and believes that local and regional television services provide a valuable role in an increasingly centralised market.

17:05

**John Lamont (Roxburgh and Berwickshire) (Con):** I welcome the opportunity to debate an issue that will have a severe impact on local news coverage not only in my constituency of Roxburgh and Berwickshire, but throughout the South of Scotland region. A number of members have expressed an interest in the issue and I hope that as many of them as possible will contribute to the debate. I note the presence of the Presiding Officer, whose constituency of Galloway and Upper Nithsdale would be affected by the proposal to abolish Border television news.

I will set the scene. ITV Border has provided local news and programming to the Scottish Borders, south-west Scotland, Cumbria and the Isle of Man for almost 50 years. It has the second largest geographical region in the ITV network. Despite the difficulties of catering for such a wide and diverse audience, the flagship daily newsround programme, "Lookaround", has one of the highest ratings of any BBC or ITV regional news programme in the United Kingdom. In March 2005, the *Sunday Herald* highlighted those exceptionally high ratings when it reported that while "Scotland Today/North Tonight" drew a 26 per cent audience share, and "London Tonight" took a 28 per cent share, Border's "Lookaround" was watched by a whopping 42 per cent of the population at 6 pm on weekday evenings. I acknowledge that those ratings may have slipped in recent years, but Border TV news continues to have one of the highest ratings in the UK.

Why does the service have such a success rate? Why, in particular, does it score much better than any of the Scottish Media Group's ITV regions? In response to that question from the *Sunday Herald*, the managing director of ITV

Border, Mr Paddy Merrall, stated that Border news was

"more relevant to the people".

He went on to say that Border TV benefits from there being no dedicated BBC television studio in the region—the nearest are in Newcastle and central Scotland.

The large area that Border TV has to cover has one of the lowest populations. That said, the audience is one of the most loyal. In the recent people's millions competition for the allocation of lottery funding to local projects, the Border TV region attracted the highest number of votes—almost 52,000. That compares with 19,650 for STV Central, and perhaps most surprising of all, just less than 20,000 for London.

With that background, one would have thought that the future of Border TV news would be secure. Unfortunately, the chief executive of ITV, Michael Grade, thinks differently. Shortly after his appointment, Mr Grade stated that his first priority for ITV would be to improve its programming. However, in September this year he announced a controversial five-year restructuring plan, which included a major overhaul of the regional structure of ITV. The proposals would see a consolidation of the ITV regional news programmes across the country, but for the Border region, it would involve a full merger between ITV Border and ITV Tyne Tees. What would that mean for our local news? The bulk of the local news—which is currently covered in the nightly half-hour programme—would be reduced to a 10-minute opt-out that would be expected to cover the entire Border region. That reduction in service would undoubtedly have an impact on the quality and amount of news programming for the Border region.

Let us look at some of the figures, and the stories that Border TV news has been covering in the past year. Since the start of 2007, there have been more than 300 stories on Border TV from the Scottish Borders, including 35 stories from Hawick, 17 from Eyemouth and 19 from Peebles. For Dumfries and Galloway, there have been more than 500 stories on Border TV, including 109 from Dumfries and 69 from Gretna. What hope will those local news stories have in the new enlarged ITV region? What hope can our local communities, community groups, campaign groups and sports teams have of getting on to the news agenda when they will be competing with stories and issues from Newcastle, Gateshead, Middlesbrough, Sunderland and north-east England?

Although I am assured that there will still be a news-gathering capacity in the Border TV region, by definition, the stories that come from the more

populated parts of the new ITV region will be of greater interest to more people and the news agenda will be adjusted accordingly. A 10-minute opt-out is simply not sufficient. The same arguments could also be made on the danger of losing out to Glasgow, Edinburgh and other major cities in the south central belt in any proposed merger with STV.

In passing, it is interesting to note that there is no campaign by the staff at Tyne Tees Television against the proposals, which is perhaps an indication of how they think that they will work in practice. They clearly do not regard their news coverage as being put under threat by the proposals.

Michael Grade states that he wants to reconstruct the ITV regional layout and that the existence of Border TV "no longer makes sense". Further, we are told that the move is expected to give ITV plc "greater value for money". Well, it might not make sense to a London-based metropolitan journalist like Mr Grade, but the service has, in the past, provided a crucial lifeline for thousands of people living in communities throughout the region. We need only consider the foot-and-mouth disease outbreak in 2001 to see the valuable public information service that the channel provided by giving people the latest news and public information on the problems as they unfolded. It is unlikely that that would have been the case if the news had come from the north-east of England with a 10-minute opt-out. The loss of our local news services would be another example of the marginalisation of people in rural communities.

What happens now? Following my meeting with the Office of Communications in Glasgow yesterday, I can confirm that it is still waiting for formal notification from Michael Grade of what ITV proposes to do with Border TV. Once notification has been received, it will be for Ofcom to decide on the process of consultation that it will undertake to consider the proposals.

My advice to Ofcom is to consult as widely as possible so that everybody in the Borders has the opportunity to express their views. The news that ITV has already appointed someone to head up news services in the Border and Tyne Tees region has given rise to a feeling that there is a done deal. People do not want a rubber-stamping exercise; they want to be engaged in the process and they want to know that Ofcom can and will say no to ITV's proposals. I intend to host a number of consultation meetings throughout my constituency so that local residents' voices can be heard. I urge other members to carry out similar exercises in their constituencies.

Developing technology may well mean that people will be able to access news through their

computers in the future, but it is important to acknowledge that many people in the Borders do not have access to computer networks or adequate broadband services, so the option is not necessarily open to them. Ofcom must resist the agenda of urbanisation and centralisation. It must examine and consider all the options that ITV proposes, bearing in mind the rural and diverse area that Border TV currently serves.

I look forward to hearing other MSPs' speeches. I hope that the debate will move forward across the region and that a strong argument for the retention of our local news services in the Borders and the South of Scotland will be presented to Ofcom and ITV.

**The Presiding Officer:** A number of members wish to participate in the debate, so I ask for speeches of a fairly tight four minutes. I call Elaine Murray.

17:14

**Elaine Murray (Dumfries) (Lab):** Thank you, Presiding Officer. Not being able to participate in the debate must be one of the disbenefits of holding your office.

I congratulate John Lamont on initiating the debate, because the issue is of major concern to my constituents. Border TV had a campaign caravan at the switching on of the Christmas lights in Dumfries. It was mobbed by people who wanted T-shirts and balloons or wanted to take away petitions or postcards to get signed.

There is very strong feeling about the issue in my constituency. Indeed, it is reminiscent of the strength of local feeling when the University of Glasgow threatened to withdraw from the Crichton campus. We saw how powerful that was, and I hope that the strength of feeling about Border TV may persuade Michael Grade and Ofcom that the proposals that appear to be on the table are highly unsatisfactory.

Let us make no mistake: local media have a greater penetration and are a great deal more trusted than national media. Dumfries and Galloway is fortunate at present: it has excellent local newspapers, three good local radio stations and Border TV's coverage. All tiers of government are well reported, whether the United Kingdom Government, the Scottish Parliament or the local council. That results in a high recognition factor for local politicians; I have lost count of the number of people who have seen me on television and told me that they thought I was taller.

Being recognised can be a disbenefit when people approach me at Tesco and so on with various bits of casework, but it means that they know who their local members are, and that

makes our constituents more confident about contacting us about local issues that affect them personally or to express their views on local or national issues. The local media and Border TV provide an excellent service to the democratic process because they make us closer to our constituents and bring our constituents closer to us.

My preference, like that of John Lamont, is for the status quo. Cumbria and Carlisle have strong links to—and are important to—my constituency. People in the east of my constituency use medical facilities in Carlisle—they tend to use the hospital in Carlisle rather than the Dumfries and Galloway royal infirmary. People from all over the Dumfries area use Carlisle for leisure pursuits—they shop there and they go there to play skittles and to visit the multiplex cinema. The last train back from Carlisle on a Friday night is always very busy with people coming back to Dumfries and Galloway. We have many people who work on both sides of the border. The Scottish Enterprise city region strategy has always been a concern to me as, for Dumfriesshire, our city is on the other side of the border.

I do not like the idea of going in with the north of England and having news from Newcastle—I know that we would get an opt-out and that we would still get some Carlisle news, but we would certainly not get as much Dumfries and Galloway news—but nor am I keen on the STV idea, because that would result in our getting just central belt news. If we want to watch central belt news in Dumfries and Galloway, we can watch the BBC. I do not want us to receive only central belt news on both stations.

Like John Lamont, I always hoped that digital technology would improve access to local coverage rather than reduce it, but a reduction seems to be happening. Instead of an improved service because of new technologies, we are in danger of losing out. My call to Michael Grade and to Ofcom is to let us keep local news coverage in the south of Scotland, in the Borders, and in Dumfries and Galloway—let us keep our local and much valued news coverage. We should also keep the Solway basin together, because it is an important geographic and economic unit and there are many cultural links across the border.

17:17

**Alasdair Morgan (South of Scotland) (SNP):** I congratulate John Lamont on raising this serious issue. Border TV is an unusual station in that it straddles a border, although there are stations serving Wales that do the same. It is also unusual in that it serves an area outwith the United Kingdom—it is the only station that covers the Isle of Man. It has been hugely successful in local

coverage, although its figures have been slipping quite significantly recently, which must be a worry for it.

As Elaine Murray said, local politicians get far more coverage—although we should not presume to comment on whether that is a benefit for our constituents—than we would if we were covered by the STV area. Indeed, if we were covered by the STV area, many of the members present in the chamber would be mentioned once a year if they were lucky, and only if they had been caught with their fingers in the metaphorical till.

However, having a station that serves two sides of the border is not an unalloyed blessing—I disagree with Elaine Murray on that. Of course, 95 per cent of the time it does not matter which ITV station people get, as they get the same soap opera transmitted to them wherever in the United Kingdom they are. Regarding the remaining 5 per cent, or whatever fraction it is, there is sometimes inappropriate sports or news coverage that does not necessarily interest the viewers.

A more logical choice would be a Scottish station that gave us the same type of local coverage that we currently get from Border television—but STV would not offer that. The ITV proposals, which would give the Border TV area north of the border a fraction of the current Borders coverage, which in turn would be a fraction of the Tyne Tees local coverage, are totally unsatisfactory. We cannot shut our eyes to the fact that ITV is a commercial organisation and that it has been set up as such. The days when Roy Thompson said that running a commercial broadcasting station was a licence to print money have long gone.

If nothing else changes, we will have a choice that is akin to steering between Scylla and Charybdis—a choice between Tyne Tees and STV. That is not an enviable choice, and it comes at the same time as the digital age, in which, ironically, the Border area will be one of the first in the United Kingdom to switch over. The digital age gives us the technical capability for more varied and more local coverage than we have ever had, but while the technology is theoretically pushing us in one direction, the commercial pressures are apparently pushing us in entirely the opposite direction. It will not be possible to use all that technical capability.

Society needs modern media that respond to the needs of local communities. If all we get is the bland output from the Murdoch stations, people will switch off ITV in droves—and the BBC for that matter. They are already doing that. I hope that the Scottish Broadcasting Commission, which the Government set up, will examine the matter. The problem exists throughout Scotland. Our ambition should be not simply to keep the current level of



local news coverage in the Borders and south-west Scotland but to increase the rest of Scotland to the same level, so that every other part of Scotland gets the same degree of coverage of local events from its local television station.

It is not simply a matter of pumping more money into the system, although I am sure that the people who run it would say, "Give us more money and we can do more." We need more imaginative ways of allowing local people to contribute to what goes out over our networks. I hope that the Scottish Broadcasting Commission will address that. What is on the table at the moment will not give us a satisfactory solution, nor is it satisfactory to take away the local coverage that we have enjoyed for so many years. I hope that we will look to extend that level of coverage to the rest of Scotland.

17:21

**Jim Hume (South of Scotland) (LD):** I congratulate John Lamont on securing tonight's debate.

ITV proposes to reduce the number of local newsrooms in the UK from 17 to just nine. I cannot think of anyone who has welcomed the proposal. The National Union of Journalists said that ITV's announcement marks

"the beginning of the end for ITV as a public service broadcaster."

Alasdair Morgan mentioned Tynwald, the ancient Parliament of the Isle of Man, which voted unanimously against ITV output to the Isle of Man being based in Gateshead in north-east England. My Westminster colleague Michael Moore lodged a motion strongly opposing the proposals, and Liberal Democrat councillors throughout the south of Scotland have added their voices to the collective opposition, as have Conservatives and independents. Like others, I met Paddy Merrall of Border TV and Vicky Nash of Ofcom here at Holyrood. We expressed our strong opposition to the plans.

The success of Border TV lies in good quality, regional and local news coverage and programming that is relevant to the people. Frankly, that will not get a look in if ITV Border is operated from Tyne Tees or STV. We see little coverage of the south of Scotland from the BBC and I doubt whether anyone in Gateshead knows where we are.

Border TV's region incorporates three distinct cultures—English, Scottish and Manx—but we are all united as Borderers. For centuries, we contested the border or debatable lands, not caring whether we were ruled from Edinburgh or London. We have not changed. I will not bore the Parliament again by repeating some of the Border reiver names, but some of them went on to shape

the world—Armstrong, Douglas, Graham, Bell, Chamberlain, the Bruce, Burns, Nixon, Scott, Murray, who was Roosevelt's ancestor, and of course Hume.

Under the changes, Border's flagship news programme "Lookaround" would be axed within two years and replaced with 10 minutes of local news that would be slotted into a nightly broadcast by Tyne Tees, which is based in Gateshead. The audience figures for "Lookaround" show that it is one of the highest rating programmes of any BBC or ITV region in the country, as John Lamont mentioned.

The important point is that we are talking about a public broadcasting service that has operated successfully at the local level since 1961, which is before I was born—just. Border TV has always provided a regional service since its inception. The region enjoys good coverage of the common ridings festivals, for example. Borderers are passionate about the common ridings tradition, which dates back nearly 500 years. The festivals are unique and unequalled in the rest of Scotland.

Presiding Officer, you and Elaine Murray are well aware of the Dumfries and Galloway side of Border TV's area, which has the immensely popular and successful Wigtown book festival. I hear that any coverage of that 10-day event will be lost if the merge with Tyne Tees or STV goes ahead.

It is 145 miles from Gateshead to Wigtown and 180 miles from the furthest point in the Border TV area to Gateshead. That is a nine-hour round trip. The logistics are madness. It is same as going from here to Ullapool in the north or to Birmingham in the south. The Border TV region is already vast enough.

I plead with Ofcom, as a public interest body, to take the public view on board and to reject any formal merger proposals that arrive from ITV. We are talking about a public broadcasting service that has served its viewers very well. It has the viewing records to prove it. I also plead with Michael Grade and ITV to keep Border TV in its current operating form.

17:25

**Ted Brocklebank (Mid Scotland and Fife) (Con):** I, too, congratulate John Lamont on securing the debate.

Although it was the second-smallest company in the network, Border TV was one of the excellent regional ITV companies that played an important part in local news, current affairs and political TV coverage in Scotland. It was based in Carlisle and had a difficult patch to cover, as the Border charter also included the English side of the border down

to the Lake District. It had the tricky job of handling stories governed by the different legal and education systems, and by different local authority legislation, on different sides of the border, but it always punched above its weight with frequent network contributions as well as the nightly news magazine "Lookaround" that, as we have heard, regularly attracted more viewers than its BBC counterpart.

Indeed, that was the strength of ITV's regional policy: most companies, including STV and Grampian—both of which I worked for—could attract the majority of viewers for local news, sports and politics because we were able to regionalise our coverage. The Independent Television Authority watchdog, as it then was, encouraged us to believe that localism was our strength. My old company, Grampian, led the rest of the United Kingdom in introducing lightweight electronic newsgathering techniques. We adopted technology that was being used in the United States—we felt that we had no choice because we had by far the largest geographic area in the UK to cover and had to get pictures from places such as Shetland and Lewis back to Aberdeen. Border TV, which also had a huge transmission area, was not far behind in embracing the new ENG technology.

With the explosion of new channels and cut-throat competition for advertising revenue, all the ITV companies came under heavy siege, and most amalgamated into a new single company—ITV—which south of the border kept regional headquarters in places as far apart as Carlisle and Southampton. To the viewers, it seemed for a time that their favourite local TV companies were being maintained.

Much to my personal regret, Grampian, which along with STV had remained outside the ITV conglomerate, saw its own identity subsumed into that of STV. As we have heard, Michael Grade, the new chief of ITV, has claimed that the commercial channel's regional responsibilities can no longer be maintained on economic grounds. Viewers in the south of Scotland may continue to have a newscaster ostensibly providing the 10-minute opt-out and sitting against a Border TV background, but the key editorial decisions will be taken in Gateshead.

For the rest of Scotland, STV claims that, far from reducing news coverage, it plans to increase it to an hour a night, but serious questions remain. STV recently announced that it is not taking up its rights for Scottish Premier League football, which means that for the first time in 50 years the Glasgow-based company is dropping regular Scottish football coverage. I understand that job losses in Glasgow and Aberdeen are threatened.

Strategically, it could be in Border TV's best interests to campaign to be a part of ITV's Scottish

coverage, especially as there is a Scottish Broadcasting Commission that is looking into the future of Scottish broadcasting. Given Ofcom's acceptance that ITV's contractual obligations may have to be changed in the light of shifting economics, the hard fact is that, for Border, the status quo may not be an option.

One thing is for sure: BBC Scotland needs strong competition from ITV. New funding methods may be necessary to allow that competition, and there have been suggestions that part of the licence fee should go to ITV to allow it to continue to provide public service broadcasting. There are other options. The Scottish Conservatives have unveiled plans for a Scottish digital channel, which could help to resolve the vexed Scottish Six problem as well as provide more local and regional access.

It cannot be in the interests of a devolved and politically aware Scotland for any of our sources of broadcasting to be allowed to wither. I am happy to lend my support to John Lamont in calling on Ofcom to focus on the problems of ITV's Scottish regions and, particularly, those of Border TV.

17:30

**Malcolm Chisholm (Edinburgh North and Leith) (Lab):** I congratulate John Lamont on securing this important debate and, among more important matters, giving me the opportunity to make my third speech in two hours—I hope that it will be a bit less contentious than the previous two.

John Lamont's speech was extremely informative. I do not see Border TV routinely, but to hear that 300 stories from the Scottish Borders and 500 from Dumfries and Galloway were shown on that channel in the past year highlights the potential loss that the new arrangements could create. Not for the first time, I heard how the situation is a major concern for Elaine Murray's constituents. Local people's views must be at the heart of the debate.

From having read more general material, I was not too surprised about the local support. "New News, Future News"—a recent Ofcom publication—said that the people of Scotland show much more interest in local news than do their counterparts in England and Wales and that, despite the increasing plurality of news outlets, public service broadcasting channels remain overwhelmingly the main source of news for most people. It also said that many people in Scotland want more local news, not less. In a general way, that reinforces the examples that members have given.

Under the Communications Act 2003, public service broadcasters are obliged to provide

“a comprehensive and authoritative coverage of news and current affairs ... in the different parts of ... the United Kingdom”

to facilitate “civic understanding” and encourage “fair and well-informed debate”. Broadcasters must also provide sufficient programming that reflects

“the lives and concerns of different communities and cultural interests”.

I am sure that Ofcom will bear those words in mind. It is charged with overseeing the Border issue and wider public service broadcasting matters. However, we must remind ourselves that the 2003 act says that Ofcom must also have regard to

“the costs to persons providing relevant television services of the fulfilment of the purposes of public service television broadcasting”.

At a time of incredible change and diversification in the media and the communications industry, broadcasters face as many challenges as possibilities.

Ofcom will focus its attention on those issues in its second review of public service television broadcasting, which will address the further challenges that arise from the digital switchover and investigate future mechanisms for providing public service broadcasting after 2014, when ITV’s licence expires. Ofcom is doing that work now; some of us attended its conference in Scotland to launch that. It will also consider the Border issue specifically. I hope that Ofcom will be able to balance the competing priorities to which I have referred and—crucially—to listen to the views of people in the Borders. I know that Vicki Nash and her team will do a highly professional job.

One interesting feature is the fact that people want to preserve through local, national and UK-wide news the multiple identities that are available to them. One lesson that I will take from the debate is that they welcome and relish the diversity of identities that is available to them in their communities.

We all hope that the availability of more space on the digital spectrum will mean more, rather than less, local television—a parallel debate is about the possibility of having more local television channels—and I hope that that opportunity will allow local television to continue in the Borders. The efforts of John Lamont, Elaine Murray and others will help in achieving that objective.

17:34

**Christine Grahame (South of Scotland) (SNP):** Here at the back of the chamber, I have been hearing choristers as well as Malcolm Chisholm.

As a politician for the past eight years, I have had much to thank Border TV for, as I suspect other south of Scotland politicians have. Its reporters are always in the garden lobby. When we see one of our kin giving an interview, we drift past, trying to catch wind of what they are up to and what they are saying. I say that with great affection for Border TV, which is important to the democratic process. I say to Elaine Murray that people may think that she is smaller in the flesh, but they think that I am less frightening in the flesh—well, not everybody thinks that, but some people seem to.

This is an important debate, but there are no easy solutions. As many members have said, Border TV has had the difficult task of serving not just two but three masters—England, Scotland and the Isle of Man. It has not always succeeded. I accept that there has been an heroic attempt to work the system in recent years since news bulletin opt-outs were introduced, but that has not been wholly successful. I understand why Borderers sign petitions to keep Border TV, but many would say that they would also like to see STV programmes. They do not see football matches and other programmes, such as Government information programmes—I know that they are not the most exciting things—or my occasional punditry, which could be a good thing or a bad thing. The point is that people are missing out on STV network materials.

I am grateful to John Lamont for lodging the motion, but I do not know whether I wholly agree that merging Border TV news and STV news would be a wholly bad thing, although I am not an expert. As Ted Brocklebank said, the status quo is probably not an option—indeed, it has not been an option for some time given the new democratic situation in Scotland, as people in the Borders often hear about legislation and other issues that pertain only to England and not to Scotland. Constituents of mine who have affection for Border TV have frequently raised that issue with me. They think that there should be modernisation. Borderers can make submissions to Ofcom, but they can also make submissions to the Scottish Broadcasting Commission so that we can consider the significance to the Borders of having proper local news and access to commercial networks.

We should consider the success of local newspapers. The circulation of national newspapers is falling off, but local newspapers have strong constituencies and loyal readerships. In the same way, television stations have very loyal viewers. That loyalty could be galvanised and used. There could be either a Border TV station in the Scottish network or STV could have a strong opt-out. For me, the STV opt-out in respect of east and west news bulletins does not work. I might want to know what is happening in the west or the

south if I am in the east. I do not want to miss the news from elsewhere.

There are solutions. There is no point in simply fighting for Border TV as it has been, although I am sure that John Lamont is being more progressive than that. I do not think that that would satisfy the needs of Borderers who want to see things other than their local news. I repeat that the way forward is for people to make submissions to the Scottish Broadcasting Commission. I encourage Borderers to do so.

17:38

**Jeremy Purvis (Tweeddale, Ettrick and Lauderdale) (LD):** This debate is about local awareness, local understanding, local appreciation of events in communities and individuals' parts in communities, which are key components of communities. I commend John Lamont for securing parliamentary time to debate those important issues.

There is a point to arguing for the continuation of a framework to retain local news coverage in the Border TV area. Shortly after Michael Grade's announcement to the stock market, I asked the First Minister whether he would support the local campaign to continue the current level of news coverage. I was pleased by his positive response, and I trust that it will be reflected in the minister's remarks.

ITV is commercial; it relies on advertising revenues. We know about the pressures on broadcast revenues as opposed to the large growth in online advertising revenues. There is still uncertainty about immediate plans for Border Television following the switch to digital in the Borders, which will—of course—be the first region in the UK to switch over.

There is also uncertainty in respect of ITV's intentions. It has not submitted formal requests for a change of the existing licence, nor has it made a formal submission to the Ofcom review of public sector broadcasting. However, ITV has published its plans to make savings from local news provision and it is now holding a gun to the head of Ofcom by saying that unless Ofcom allows it to do what it wants—although it has not told Ofcom what that is—it will make savings anyway and, in effect, kill off local news production and editorial control from our region by starving it of resources. How Ofcom responds will be a test of that organisation. In my view, Ofcom acts on behalf of the consumer; it is not a body that should respond solely to the commercial difficulties that are faced by one broadcast provider. Ofcom should demand that ITV bring forward proposals on its intentions; otherwise, a threat will be hanging over Border TV, which will mean that people will wish to leave. Few

people will wish to make their careers at Television centre in Carlisle. If the situation is allowed to continue, that will be an outrage.

I understand the considerable concern in the region about the threat of the loss of news coverage, which is a significant development. I commend Scottish Borders Council for passing resolutions in support of Border TV in response to the announcement. I understand that arguments have been rehearsed about whether it would be better if there was a division at the border in relation to television output. I know that there is not universal agreement on that in the Scottish National Party or in other parties. However, there is an all-party view on the continuation of local coverage.

Border TV has always balanced the mixture and texture of cross-border life. There is no neat cultural divide at the border. Although I understand the argument that there should in the future be a clear division at the border so that the next ITV franchise in Scotland is for all Scotland, one cannot easily design news coverage for a region that inevitably looks to itself as well as outwards in four directions. Cultures, communities and local economies of the Border TV region look towards Carlisle, Newcastle, Glasgow and Edinburgh. Any editorial control from one of the centres will inevitably require a careful approach. The base in Carlisle, which is historically accidental, is also contemporaneously appropriate. Editorial control from Newcastle or Leeds, which ITV proposes, or from Glasgow, for which some have argued, will mean a slashing of local output from the Borders.

I was brought up watching Border TV. Members will know of Eric Wallace, the voice of local TV, and others. Local TV is a key component of our communities. It would be a scandal if the BBC and ITV were to recreate the very essence of local TV coverage either through online provision or, as we hear about now, citizen journalism. The growth in online provision must be seen in the context of the real benefit that ITV brings: local coverage that strengthens our communities, which has to be retained.

17:43

**Derek Brownlee (South of Scotland) (Con):** Other members have made the point well about the difficulty that Border TV has, given the area that it covers. It might well be an accident of history that it covers that area. Even during my lifetime—I recall Border TV back in the early 1990s—the quality of coverage, particularly in the Scottish part of the region, has improved. We still hear complaints that there is too much emphasis on Cumbria and the Isle of Man, but we hear them rather less than we did. We ought to give Border TV credit for trying to manage a difficult situation relatively well.

Alasdair Morgan touched on the new relationship in respect of TV since devolution. Border TV handles the balance of cross-border news better than the BBC. Often in the main BBC news there is no appreciation that what is being talked about is specific to England rather than to the UK generally. When English matters—or indeed Scottish matters—are covered in Border TV news, it tends to be clear which area is being talked about and where the implications lie. We ought to congratulate Border TV on doing a better job than the BBC has done in its UK bulletins.

Other members have talked about the links that Border TV has. There is no perfect way of drawing the area that it should cover. There is logic to considering an all-Scotland broadcasting company but equally, there are strong links between the south-west of Scotland and Carlisle and between the borders and the north-east of England. Radio Borders covers not just the Scottish borders but north Northumberland. Crucially, it does not take in the major population centre of Newcastle and the area to the south of it. We can argue about what the appropriate structure might be, but the local element to programming is key.

In an area that has a strong local community and sense of identity, it seems to be bizarre that we are talking about moving away from local TV coverage, especially as that seems to go against some of the broader trends that we are seeing. The BBC has dramatically improved the degree of local coverage of its online service for the south of Scotland, which is to be welcomed. It would therefore be bizarre if ITV was to pull back from local coverage when other organisations in other media are moving forward.

Alasdair Morgan said that the issue is not simply about money. That is true: it is also about regulation. We should not kid ourselves that broadcasting is some sort of charitable act; it is a commercial venture and if, as part of the commercial conditions that we attach to that, we want to say that there should be greater local news coverage, it is open to the Government to do that. With a bit of commercial flair—Michael Grade seems to suggest that he has that in spades—there is no reason why greater local news coverage could not be turned to competitive advantage. After all, advertising that can be targeted at a specific area of Scotland rather than more generally could be a commercial strength rather than a commercial weakness.

Christine Grahame made a point about the other programming that Border TV broadcasts. Other members might have a different view, but I sense that the affection is for Border TV's news coverage. There is much less strength of feeling about its other programming which, to be fair, has probably diminished in recent years.

My final point is very simple. All of us here tonight have agreed that Border TV provides a good local news service. If it goes, it is not going to come back—if it goes, it goes for good. That is why all the issues have to be considered seriously by the Governments north and south of the border and, I hope, by Ofcom.

**The Presiding Officer:** In calling the minister to respond, I will be forgiven for pointing out that, had I not been precluded from taking part in debates because of my office, I would have brilliantly encapsulated all the points that have been made tonight in a further four-minute speech.

17:47

**The Minister for Europe, External Affairs and Culture (Linda Fabiani):** Presiding Officer, I would never think that you could be anything but brilliant and everyone here agrees with me.

The debate has been particularly interesting. I say that with real feeling because I did find it interesting and I have learned so much. The Borders is not an area of the country that I know particularly well.

**Alasdair Morgan:** A point of clarification should be made. The Border TV area does not equate with the Borders. Certainly in Dumfries and Galloway—particularly Galloway—people do not describe themselves as Borderers.

**Linda Fabiani:** If Mr Morgan had not been so presumptuous, I was about to say that, although I do not know the Borders particularly well, I know Galloway very well. I might as well include the Isle of Man because I have not been there yet, although I hope to visit quite early in the new year.

I have learned a lot from what Elaine Murray and Jim Hume said about the history of their areas and the cross-border working that goes on. It is a different way of living from that of those of us who live in the central belt or the north of the country.

I particularly welcome John Lamont's motion and delivery. I do not know whether this is his first members' business debate—I see by his nodding that it is—but his speech was excellent in its clarity and delivery, and it was worth listening to. I can tell that Christine Grahame felt the same.

What has come out very strongly is the strength of feeling of those who represent the area and their differing views about the best future. That is interesting because it is a mark of how important an issue broadcasting is for Scotland. For those in the Border TV region who are concerned that they could be facing a future as a very small part of a large English news area, the issue is even more important. Therefore, I can understand why people are lobbying to the degree that they are.

**Jeremy Purvis:** The minister mentioned concerns that the area could become part of a larger English news area. However, there are equal concerns that it could become part of a larger Scottish news area. That context is quite important.

**Linda Fabiani:** I am perfectly happy to take that on board. The changing state of the service is what worries and concerns people. What is interesting is the differing views of those who feel equally strongly about how, in the area that they represent, broadcasting could best be carried out to maximum advantage.

The Communications Act 2003 sets out quotas in the ITV1 schedule for news and non-news programmes in the nations and regions. As we have heard, those quotas are regulated by Ofcom—I understand that members who represent the area have had a meeting with Ofcom—which would need to approve any action to change local news provision. However, as Jeremy Purvis said, that application has not yet been submitted.

I can understand why ITV might consider changing its news services. As Alasdair Morgan and others pointed out, the way in which people consume the media—and news in particular—and the types of media that they use are changing because of the convergence of technologies. Of course, that can bring opportunities for new and varied means of communication. We all know that digital switch-over will begin in the Borders in November 2008. I think that Ofcom has anticipated many of the developments. Its research has shown—interestingly—that television news remains important. That is particularly true in Scotland, as Malcolm Chisholm mentioned, and in Wales and Northern Ireland.

Local news is difficult to fund, especially for the commercial broadcasters. That point was made, from a background of great knowledge, by Ted Brocklebank. We all need to work together with the commercial broadcasters to consider how we can ensure that Scotland receives the service that it needs as Ofcom starts the next round of its public service broadcasting review.

In that context, there is probably a need for new thinking on the provision of news services in Scotland. STV has already demonstrated its awareness of the situation by taking the decision to broadcast a full hour of Scottish news rather than the ITN network news. STV made that decision on 4 May because it believed that the outcome of the Scottish Parliament election was important to the Scottish people.

**Ted Brocklebank:** In fact, STV will continue to take the full coverage from ITN and, in addition, it will provide an hour of local news. It is not the

case that STV's news hour will be instead of coverage from ITN.

**Linda Fabiani:** I am grateful to Mr Brocklebank for that clarification.

The Scottish Broadcasting Commission has surely focused the minds of many interested parties in this country. The commission is considering the economic, cultural and democratic importance of broadcasting for Scotland. For the first time, we have the opportunity to examine ways in which Scottish broadcasting and television can be transformed.

In its published work plan, the commission has stated that it will give consideration to what changes if any are required to the structure and funding of the ITV licences in Scotland. I am sure that that will include issues to do with the coverage of the Border TV region in Scotland. I hope that the commission will also look at how well current arrangements meet the wishes and aspirations of those in the south of Scotland, what the effect might be of the proposed merger—however that might come about—and what arrangements might best serve the Border TV region. Of course, I cannot pre-empt the findings of the commission, which will report next year. I hope that Parliament will have the opportunity to discuss the report when it becomes available.

I urge all members to carry on inputting, as they have done, to Ofcom's review of public service broadcasting and news provision.

As the responsible minister, I will consider today's debate. As I said, I have learned an awful lot today and I look forward to reading the contributions that have been made. Having considered the debate, I will raise any issues that I feel are particularly important in my next meeting with Ofcom. I am happy to take on board other issues that members want me to raise with Ofcom, so they should please e-mail me or write if they have anything else that they would like me to take on board.

I hope that members will, as Christine Grahame has advised, consider submitting their concerns, either individually or collectively on behalf of constituents, to the Broadcasting Commission to ensure that it has the necessary evidence to recommend changes that will benefit the people of Scotland.

I again congratulate John Lamont on securing an extremely interesting members' business debate.

*Meeting closed at 17:55.*

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