

Smoothing the way to an amicable split

OPINION FOCUS

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'IN A joint statement issued yesterday by the Leader of the House of Commons and the Presiding Officer of the Scottish Parliament, it was announced that negotiations had been successfully completed between the two parliaments on the new constitutional arrangement between Scotland and the rest of the United Kingdom. The statement recorded that the guiding principles of co-operation and reciprocity which underscored the historic agreement heralded a new era of prosperity and recognition of mutual interests from which all would benefit.'

Is this fantasy or achievable? The Scotsman's recent series on issues raised by the possibility of independence threw up a number of important questions. But although the issues have been canvassed and different viewpoints expressed, relatively little attention has been paid to the process by which any negotiations about independence would take place. If the prospect of independence (or, indeed, radical realignment as suggested by Kenyon Wright) became reality, the manner in which deeply contentious matters were addressed would be critical, not only to the constitutional future of the UK, but to future relationships between Scotland and its southern neighbour and other institutions, such as the European Union and NATO. The quality of these relationships would determine our future.

If, for example, we ended up with a series of prolonged disputes over the allocation of assets, debts and resources, or with a fight over the way oil and gas tax revenues were to be assigned or where to draw the boundary line for oil or gas between Scotland and England, the prospects of a mutually beneficial outcome would be greatly reduced. The traditional adversarial approach, seemingly inherent in politics in the western world, with people staking out positions and courting antagonism in order to be seen not to make concessions or concede rights, could result in destructive posturing and fruitless stand-offs. Such a win-lose, black-white attitude would diminish the reputation of both parliaments, not to mention adversely impact on investment and other economic prospects. If parochial point-scoring was more important than intelligent discussion, we would run the risk of paralysis and years of strife.

It could be different, however, if the key players adopted mature and respectful negotiating techniques and strategies, focusing on addressing the differences objectively - whatever they thought of their counterparts or their beliefs. They would need to remember that the interests of the two nations would remain significantly intertwined and mutually dependent. Scotland and England would have a number of shared concerns, as close trading partners and as inhabitants of this island off the west coast of the European mainland. This might impact, for example, on the selection of currency, on the extent to which we varied our clocks from those of mainland Europe, on passport and travel arrangements and on how we organised our system of defence.

One of the first tasks, therefore, would be to identify what the two countries had in common and how to address common needs. Working first on undisputed issues would help to build trust. Then we could look at the really contentious matters, where different

points of view would inevitably be genuinely held. What were the real concerns of each government? What were the priorities for each nation? What were the options for dealing with diverging positions? Instead of chipping away at each other, could we look for creative solutions which would enhance the prospects of the country? This would need much patience, imagination and generosity.

What if a Council of the British Isles was proposed to handle international matters? Ridiculous? Why? What are the pros and cons? OK, what are the alternatives for dealing with defence of the British Isles? If we couldn't agree on how to deal with terrorism, what would be the consequences? We might need to be bold, to show leadership, sometimes making unilateral concessions in order to gain other benefits. But with clarity of purpose and an eye for the big picture, rational decisions could be made.

These days, many complex negotiations at international, community and corporate levels are assisted by the involvement of an independent facilitator, whose impartiality and lack of interest in the outcome can be of great benefit where the issues are difficult and inevitably supercharged. President Jimmy Carter at Camp David and Senator George Mitchell in Northern Ireland are two examples of the effective use of a mediator, replicated day in, day out, in business and neighbourhood negotiations.

Perhaps one of our European partners would offer to fulfil this role between Holyrood and Westminster. Recently, Martin McAleese, the husband of the Irish president, Mary McAleese, spoke movingly of the continuing role mediation has played in bringing together the different communities in Ireland. He, or his wife (in Edinburgh this week), might be ideal facilitators of constructive conversations between the parliaments in Edinburgh and London. Such a role could bring the necessary discipline to a process that could lead to the kind of press announcement with which we began.