

# **MEETING OF THE PARLIAMENT**

Thursday 16 January 2003

Session 1

£5.00

© Parliamentary copyright. Scottish Parliamentary Corporate Body 2003.

Applications for reproduction should be made in writing to the Licensing Division,  
Her Majesty's Stationery Office, St Clements House, 2-16 Colegate, Norwich NR3 1BQ  
Fax 01603 723000, which is administering the copyright on behalf of the Scottish Parliamentary Corporate  
Body.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by The  
Stationery Office Ltd.

Her Majesty's Stationery Office is independent of and separate from the company now  
trading as The Stationery Office Ltd, which is responsible for printing and publishing  
Scottish Parliamentary Corporate Body publications.

---

# CONTENTS

Thursday 16 January 2003

## Debates

Col.

<b>INTERNATIONAL SITUATION</b> .....	14013
<i>Motion moved—[Mr John Swinney].</i>	
<i>Amendment moved—[Mr Tom McCabe].</i>	
<i>Amendment to the amendment moved—[Phil Gallie].</i>	
<i>Amendment moved—[Tavish Scott].</i>	
<i>Amendment moved—[Tommy Sheridan].</i>	
Mr John Swinney (North Tayside) (SNP) .....	14013
Mr Tom McCabe (Hamilton South) (Lab) .....	14021
Phil Gallie (South of Scotland) (Con) .....	14026
Tavish Scott (Shetland) (LD) .....	14029
Tommy Sheridan (Glasgow) (SSP) .....	14034
Mr George Reid (Mid Scotland and Fife) (SNP) .....	14037
Mr John Home Robertson (East Lothian) (Lab) .....	14039
Michael Russell (South of Scotland) (SNP) .....	14041
Helen Eadie (Dunfermline East) (Lab) .....	14043
Dennis Canavan (Falkirk West) .....	14044
Donald Gorrie (Central Scotland) (LD) .....	14045
Fiona Hyslop (Lothians) (SNP) .....	14047
Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab) .....	14049
Kay Ullrich (West of Scotland) (SNP) .....	14050
Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD) .....	14051
Bill Butler (Glasgow Anniesland) (Lab) .....	14053
Colin Campbell (West of Scotland) (SNP) .....	14055
Robin Harper (Lothians) (Green) .....	14056
Elaine Smith (Coatbridge and Chryston) (Lab) .....	14058
Ms Margo MacDonald (Lothians) (SNP) .....	14060
Lord James Douglas-Hamilton (Lothians) (Con) .....	14061
Linda Fabiani (Central Scotland) (SNP) .....	14063
Karen Gillon (Clydesdale) (Lab) .....	14064
Dorothy-Grace Elder (Glasgow) (Ind) .....	14065
Mr Lloyd Quinan (West of Scotland) (SNP) .....	14066
Mr John McAllion (Dundee East) (Lab) .....	14067
Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD) .....	14069
Ben Wallace (North-East Scotland) (Con) .....	14074
Johann Lamont (Glasgow Pollok) (Lab) .....	14077
Roseanna Cunningham (Perth) (SNP) .....	14080
<b>BUSINESS MOTION</b> .....	14087
<i>Motion moved—[Euan Robson]—and agreed to.</i>	
<b>QUESTION TIME</b> .....	14089
<b>FIRST MINISTER'S QUESTION TIME</b> .....	14105
<b>DOG FOULING (SCOTLAND) BILL: STAGE 1</b> .....	14116
<i>Motion moved—[Mr Keith Harding].</i>	
Mr Keith Harding (Mid Scotland and Fife) (Con) .....	14116
The Minister for Finance and Public Services (Mr Andy Kerr) .....	14120
Tricia Marwick (Mid Scotland and Fife) (SNP) .....	14122
Mr David Davidson (North-East Scotland) (Con) .....	14124
Iain Smith (North-East Fife) (LD) .....	14126
Trish Godman (West Renfrewshire) (Lab) .....	14128
Ms Sandra White (Glasgow) (SNP) .....	14130
Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD) .....	14131
Dr Richard Simpson (Ochil) (Lab) .....	14133
Colin Campbell (West of Scotland) (SNP) .....	14134
Robin Harper (Lothians) (Green) .....	14135

Janis Hughes (Glasgow Rutherglen) (Lab) .....	14136
Donald Gorrie (Central Scotland) (LD) .....	14137
Bill Aitken (Glasgow) (Con) .....	14139
Bruce Crawford (Mid Scotland and Fife) (SNP) .....	14140
Mr Harding .....	14142
<b>PARLIAMENTARY BUREAU MOTIONS</b> .....	14145
<i>Motions moved—[Euan Robson.]</i>	
<b>INTERNATIONAL SITUATION</b> .....	14146
<i>Amendment moved—[Tavish Scott].</i>	
<i>Amendment moved—[Tommy Sheridan].</i>	
<b>DECISION TIME</b> .....	14148
<b>HOUSING (PRIVATE RENTED SECTOR)</b> .....	14160
<i>Motion debated—[Johann Lamont].</i>	
Johann Lamont (Glasgow Pollok) (Lab) .....	14160
Linda Fabiani (Central Scotland) (SNP) .....	14163
Trish Godman (West Renfrewshire) (Lab) .....	14164
Ms Sandra White (Glasgow) (SNP) .....	14165
Mrs Lyndsay McIntosh (Central Scotland) (Con) .....	14166
Shona Robison (North-East Scotland) (SNP) .....	14167
Pauline McNeill (Glasgow Kelvin) (Lab) .....	14168
Ms Margo MacDonald (Lothians) (SNP) .....	14169
Donald Gorrie (Central Scotland) (LD) .....	14170
The Deputy Minister for Social Justice (Des McNulty) .....	14171

## Oral Answers

**Col.**

<b>QUESTION TIME</b>	
<b>SCOTTISH EXECUTIVE</b> .....	14089
A92 (Arbroath to Dundee Dualling) .....	14103
Borders Railways Forum .....	14092
Bus Travel Scheme .....	14099
Cabinet Sub-committee on Sustainable Scotland .....	14090
Employment Tribunals (Legal Aid) .....	14102
European Year of People with Disabilities .....	14102
Health Promotion .....	14096
Land Reform (Scotland) Bill.....	14101
National Health Service (Hospital-acquired Infections) .....	14095
Quality-of-life Issues .....	14093
School Leavers.....	14098
Sports Facilities (Winter Use) .....	14089
Sustainable Development.....	14091
<b>FIRST MINISTER'S QUESTION TIME</b> .....	14105
Cabinet (Meetings) .....	14106
Cities Review .....	14110
Prime Minister (Meetings).....	14105
Schools (Violence against Teachers) .....	14109
Scottish Manufacturing Steering Group .....	14112

---

## Scottish Parliament

Thursday 16 January 2003

[THE PRESIDING OFFICER *opened the meeting at 09:30*]

### International Situation

**The Presiding Officer (Sir David Steel):** This morning's debate is on motion S1M-3760, in the name of John Swinney, on the current international situation. There are three amendments to the motion and an amendment to one of the amendments. I invite all those who want to take part in the debate to indicate now that they wish to do so, but I warn members at the outset that there are more people wanting to speak than can be accommodated. Accordingly, the Presiding Officers will be very strict on timing this morning.

09:30

**Mr John Swinney (North Tayside) (SNP):** Our debate this morning gives our national Parliament the opportunity to express its opinion on the greatest immediate issue confronting world peace and security today. Our deliberations and the conclusions that we, the elected representatives of the people, reach today can tell us much about Scotland's view of the prospect of war in Iraq and about the conduct of international relations.

The debate will do more than illuminate Scotland's view of the current international crisis. Nearly four years into this new age of Scottish democracy, the debate will also shed light on how we see ourselves, on our confidence as a nation and on our appropriate role in global affairs. For my party, that role is clear. Scotland never has been, and never will be, a parochial nation. For my party, it is not just the Parliament's right but the Parliament's duty to reflect Scotland's long and honourable history of internationalism.

**Rhona Brankin (Midlothian) (Lab):** If John Swinney thinks that it is the Scottish Parliament's duty to discuss Iraq, does he think that it is the right and the duty of the Westminster Parliament to discuss Scottish education and health services and the Scottish legal system? If not, what are his party's Westminster members for?

**Mr Swinney:** Rhona Brankin will know that the Scotland Act 1998 puts no bar on the ability of this Parliament to debate whatever issues it chooses. I respectfully encourage her to go back to her constituency and ask her constituents whether they think that we should be debating this issue. I have with me numerous messages of support for our holding this debate. That support has been

expressed to me by many people from the religious community and from non-faith communities in many constituencies. Some of the messages have been copied to the members of the Parliament who represent the individuals concerned—those members will know who they are. It is important that this national Parliament has a debate on issues of such significance.

Two months ago, speaking about global security and international terrorism, President Bush told the General Assembly of the United Nations:

"Every nation has a stake in this cause."

He is right. That is why I think our nation should have her say in the debate.

Some people, including Rhona Brankin, will say that these matters should be left to Westminster. Those individuals should reflect on the fact that, at Westminster, no debate has been held on a substantive motion from the Government that tests the essential question of the need for a second UN resolution on Iraq. Indeed, the father of the House of Commons—someone who was far from keen on the establishment of this Parliament—commented yesterday:

"It is ironic that the Scottish Parliament can find the means of having a meaningful debate on Iraq while the House of Commons is refused."

The British Prime Minister could take this country to war tomorrow, without having sought the approval of the House of Commons. Westminster has left a democratic void; our Scottish Parliament can today help to fill that void.

I begin the core of my remarks by reaffirming my admiration for the collective courage shown by the people of the United States in the aftermath of 11 September. In this chamber on the anniversary of that horrific attack, MSPs from all parties spoke warmly of the historic and enduring ties between our two countries. We share common values of humanity, democracy and respect for the rule of law. Everything that I say this morning is anchored in the spirit of those common values. However, those values demand robust democratic debate, the airing of honest disagreement and the expression of genuine concern. A survey of the actions of the United States and United Kingdom Governments shows that there is much to be concerned about.

The strategy over the past few months has been clear. The rhetoric has become more aggressive, the dossiers have been published and the talk of the threat posed by Iraq has grown louder. Some commentators call that the softening-up of the public to prepare us all for war. We are now in a new, critical phase: a massive military build-up of United States and United Kingdom forces is well under way.

The sight of the aircraft carrier HMS Ark Royal on the west coast of Scotland this week brought home the scale of that build-up. In addition to Ark Royal, the UK Government is deploying three destroyers, four auxiliary vessels, three landing ships, a mine countermeasures group, a frigate, a helicopter carrier and a nuclear-powered submarine—the biggest Royal Navy task force since the Falklands. Royal Marines are to be deployed, reservists are being called up, field hospitals and battlefield ambulances are being upgraded and shipping companies are being contacted to transport equipment and personnel.

Large though it is, the UK's deployment is dwarfed by that of the United States. By the end of the month, about 125,000 US troops will be stationed in the Persian gulf, to be joined by perhaps 125,000 more. All serving US marines have been issued with orders banning them from leaving the service. Defence experts say that a full invasion force will be in place by early February.

We have heard the rhetoric and we have had the public relations offensive; now we have the military build-up. Like many others in Scotland today, I fear that there can be only one conclusion: the US and UK Governments are pursuing an inevitable path to war. I believe that it is our duty to steer the Government away from that inappropriate approach.

**Mr Tom McCabe (Hamilton South) (Lab):** I hear Mr Swinney's remarks about the inevitability of war and the build-up of United Kingdom and United States forces. I refer him to a quote from Kofi Annan, who, speaking about Iraq, said:

"We have learned that sensitive diplomacy must be backed by the threat of military force if it is to succeed."

With reference to Kofi Annan's remark, would Mr Swinney care to reconsider the comments that he has just made?

**Mr Swinney:** I think that Mr McCabe accurately quotes Kofi Annan. The problem with Mr McCabe's view of that quote is that he ignores the difficult and dangerous climate that is created when a massive military force is sent in. That process leads to an inevitability of using that military force without proper recourse to the United Nations, which is exactly where my comments are leading and where the issue should be resolved.

**Karen Gillon (Clydesdale) (Lab):** Does the member honestly believe, and is he honestly telling the Parliament, that the weapons inspectors would be in Iraq today if there had not been a threat of military action against that country?

**Mr Swinney:** The weapons inspectors should be in Iraq because all countries should observe and follow the dictation of the United Nations. That is the way in which to resolve these issues.

**Phil Gallie (South of Scotland) (Con):** Will Mr Swinney give way?

**Mr Swinney:** If Mr Gallie would let me make some progress, I will certainly give way in a moment.

If war is to take place, troops based in Scotland will be in the front line. Scotland-based troops are already carrying out duties in the gulf. As ever, we commend their professionalism and their bravery, but, however important that commendation, the higher and greater duty of politicians is to ensure that the troops have clear military objectives and that those objectives have overwhelming support in our national community and in the international community. Such a consensus does not exist today.

Some of our forces are currently deployed to enforce the no-fly zone protecting the Kurds in northern Iraq from the barbarity of Saddam Hussein. Saddam's treatment of the Kurds in the town of Halabjah 15 years ago marked what was perhaps the most despicable act of his brutal reign of terror. Five thousand people were killed in an appalling chemical weapons attack. That outrage exposed the evil at the heart of Saddam's regime and the absolute necessity of depriving him of the ability to develop and use weapons of mass destruction ever again.

**Tommy Sheridan (Glasgow) (SSP):** Does the member agree that the tragedy of that sort of behaviour on the part of Saddam Hussein is compounded by the evil of a Tory Government that continued to arm that regime after that disaster?

**Mr Swinney:** If Mr Sheridan is looking for consistency in the actions of the British and United States Governments as to the regimes that they support and arm, he will not find it in the practice of numerous former British Governments or the current one.

Action against Saddam, of whatever nature, must be taken only in accordance with international law. In particular, we must allow the trained weapons inspectors to complete the task that they have been asked to perform. If they confirm the existence of weapons of mass destruction in Iraq, they must publish clear and compelling evidence of their research. If military action must be taken to disarm Saddam, a specific mandate must be given in a new United Nations Security Council resolution following the publication of the inspectors' clear and compelling evidence. That is the test that we must apply to ensure that our steps are securely founded.

**Pauline McNeill (Glasgow Kelvin) (Lab):** Does Mr Swinney agree that the Security Council is not always consistent in its enforcement of UN resolutions? It has failed to enforce resolution 242,

concerning the Palestinians, and to enter the city of Jenin to uncover the massacre that took place there. Is Mr Swinney saying that he has faith in the Security Council? Is he saying that he will support a war in Iraq if there is a UN mandate for it?

**The Presiding Officer:** The member has been very generous in giving way, but he is now halfway through his time.

**Mr Swinney:** I am aware that I am halfway through my time. I have been generous in giving way because I am interested in having a debate on this subject in Scotland's national Parliament.

The United Nations is not a perfect organisation. It is not able to command universal and unreserved support for its actions from all member states. However, the failure to implement the resolution to which Pauline McNeill referred—and many other resolutions that relate to the Israeli and Palestinian situation—should not be used as an excuse for ignoring the actions and stance of the United Nations on the very difficult international issue that we are debating.

**Dorothy-Grace Elder (Glasgow) (Ind):** Will the member take an intervention?

**Mr Swinney:** With the greatest respect, I must make some progress.

More than 40 years ago, at his inauguration, President John F Kennedy called the United Nations

“our last best hope in an age where the instruments of war have far outpaced the instruments of peace”.

Today, despite having a sometimes battered reputation—to which Pauline McNeill referred—the UN is still the world's best hope. That hope is to be found in the UN charter, under which member states resolve to

“reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained”.

As I said to Pauline McNeill, many UN countries fall short of some of those ideals. However, for those of us who believe in freedom, peace and security, they provide the best foundation for the world in which we long to live. The UN and its founding principles should not be brushed aside casually.

**Ben Wallace (North-East Scotland) (Con):** Does the member believe that there is ever an occasion on which Britain should act unilaterally to protect its interests?

**Mr Swinney:** If the United Kingdom were the subject of an attack from another party, it would be entitled under international law to take such action.

My point is that we should respect international law and judgments.

There was a moment of some hope on that point during the Prime Minister's briefing on Monday, when Tony Blair said that the authority of the UN must be upheld. However, just minutes later, he reserved the right to take unilateral action against Iraq. The Foreign Secretary, Jack Straw, reinforced the Prime Minister's view on Tuesday. We are now told that a specific UN mandate is only a preference. The Prime Minister and the Foreign Secretary have made it clear that, if a mandate cannot be achieved, they reserve the right to go ahead with military action in any case.

That is the fundamental issue at stake in this debate. It is the point that divides my position from that of Tom McCabe and that creates common ground between Tavish Scott and me. If there must be military action, I believe—as Tavish Scott's amendment states—that there must be a further UN resolution to create a specific mandate for action. To support Tom McCabe's amendment is to leave open the possibility of unilateral or bilateral action that ignores the views of the UN. Threatening to take unilateral action does not uphold the UN's authority but helps to destroy it. We in this Parliament should have none of that.

**Karen Gillon:** Will the member give way?

**Phil Gallie:** Will the member give way?

**Mr Swinney:** I will give way to Mr Gallie. This is the last intervention that I will take.

**Phil Gallie:** Does the member accept that Security Council resolution 1441 insists that that resolution is a final warning to Iraq and that any deviation from it would constitute reason for vigorous action against Iraq—in other words, war?

**Mr Swinney:** I will read to Mr Gallie from paragraphs 12 and 13 of resolution 1441. Paragraph 12 states that, when the inspectors' conclusions emerge, the Security Council should meet

“to consider the situation and the need for full compliance with all of the relevant Council resolutions”.

Paragraph 13 makes it clear

“that the Council has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations”.

I accept that that text contains an implicit warning to Iraq. However, it does not authorise the entitlement to undertake military action. That is the central point at the heart of my motion. It is the point that Mr Scott makes in his amendment and that his colleagues have made in the House of Commons.

The UN route is not a soft option; it is the right option. In 1991, in response to Iraq's invasion of

Kuwait, a global coalition of countries, including many Muslim states, committed itself to support UN action. That coalition, acting under UN authority, gave considerable strength and legitimacy to the military campaign. The SNP supported that campaign in 1991 because it was conducted under UN authority. However, as things stand—with no UN mandate for military action and no compelling, published evidence of the existence of weapons of mass destruction in Iraq—the SNP cannot and will not support a military strike against Iraq.

Throughout this crisis, we have stressed the need for evidence and the supremacy of the UN in collecting that evidence. That is why we fully back UN Security Council resolution 1441, which was passed in November last year. The resolution is designed precisely to seek evidence that Saddam Hussein still possesses weapons of mass destruction. It calls for Iraq to meet its obligations on disarmament and for weapons inspectors to be given unrestricted access. It warns that Iraq

“will face serious consequences as a result of its continued violations of its obligations”.

However, it does not authorise military action by the US, the UK or any other member state.

Since the resolution was passed, inspectors have visited more than 100 sites across Iraq. Last week, the Security Council's representative, the chief weapons inspector Hans Blix, reported to the Security Council. He said that inspectors were getting prompt access to the sites that they wanted to examine and were covering ever wider and ever more sites. Crucially, Mr Blix said that, in the course of the inspectors' work,

“we have not found any smoking gun”.

In other words, no evidence of weapons of mass destruction has yet been found and no material breach of resolution 1441 has been proved.

Washington's response to those comments was both instructive and alarming. The White House press spokesman said:

“The problem with guns that are hidden is that you can't see their smoke. We know for a fact that there are weapons there.”

That remark is chilling. It implies that the US—and, by extension, the UK—has made up its mind regardless of the evidence. It implies that the US and UK are set on a course for war and will not be diverted from that path, regardless of what the inspectors report.

Some in the Bush Administration are characterising the date for the next inspectors' report, 27 January, as some sort of deadline after which military action may be launched. This week, we have been told that the inspectors may take many months to complete their task. So be it. The

process is of such significance and could have such terrifying consequences that it must be conducted thoroughly. A report must be made to the UN to allow it and its Security Council to agree a second resolution that defines the position.

It is difficult to overstate exactly what is at stake. If there is to be military action, it will be no mere bombing mission—the Bush Administration is highly critical of previous US military operations that relied primarily on cruise missiles and bombing raids. There will be a full-scale invasion, which will lead to many civilian casualties—an issue that my colleague George Reid will raise in his contribution—and there will be consequences for the middle east peace process. However welcome the Prime Minister's intervention this week and the talks in London, I cannot help but feel that those efforts will be rendered futile if the Iraq crisis leads to war. Many in the Islamic world and elsewhere view with dismay the concentration of economic and political power in the hands of very few wealthy countries and are increasingly isolated from the aggressive attitude of the UK and the US Governments. A unilateral strike could confirm their view that the west uses international institutions when it suits it, but ignores them when it does not. That would be a dangerous political environment.

In all this, the opinion of people in Scotland has remained firm. There has been a clear and consistent majority against action that is undertaken outwith the authority of the UN. This Parliament has the opportunity to reinforce our belief in the founding values of the UN and the supremacy of international law. We can express our concern today that the UK Government is pursuing an inevitable path to war and urge the Prime Minister, who is visiting Scotland today, to pull back. Most of all, we can give voice to the views of the people who I believe sent us here not just to deal with the day-to-day concerns at home, but to let the world know where Scotland stands on this and every other vital issue that affects the people of our communities.

I move,

That the Parliament endorses United Nations Security Council Resolution 1441 on the basis that it provides a mandate for weapons inspection in Iraq; welcomes the legal opinion of Matrix Chambers on behalf of CND which concluded that Resolution 1441 does not provide an authorisation for military action in Iraq and that any such use of force would breach international law; believes that UN weapons inspectors must be afforded total freedom of access in Iraq and to all evidence in the possession of other states, together with sufficient time in order to produce a comprehensive report for the consideration of the Security Council on the state of Iraqi compliance with the resolution; believes that no commitment of UK forces should be made without a specific mandate for military action in Iraq in the form of a further Security Council resolution based on clear, published and compelling evidence provided by the UN inspectorate of a material



breach of Resolution 1441, and expresses its deep and serious concern that Her Majesty's Government is currently pursuing an inevitable path to war

**The Presiding Officer:** I remind members that, if they want to speak, they must press their buttons, because some have not done so yet.

09:51

**Mr Tom McCabe (Hamilton South) (Lab):** In moving amendment S1M-3760.3 on behalf of the Labour party, I will concentrate on four critical areas. First, I will acknowledge the understandable principled anxieties and differences that exist among colleagues in every party over an issue of the utmost seriousness. However, it is important to remind ourselves that this Parliament does not have responsibility for international affairs or defence. Those issues lie with the Westminster Parliament and the Prime Minister and his ministers therefore quite rightly take responsibility for them. Although the Executive shares the concerns about the international situation, it recognises that the authority to deal with these matters rests with Westminster and therefore that the proper approach in this Parliament is to allow individual parties to respond to the SNP motion.

Secondly, I will talk about our constitutional position here in Scotland, particularly in relation to this Parliament. Thirdly, I will talk about the dangers and the consequences of any hint of opportunism at a time of considerable international tension when the young women and men who serve in our armed forces might face the ultimate sacrifice. Finally, I will settle some of the myths contained in the SNP motion and explain to colleagues what they will and will not be supporting if they vote for our amendment.

I begin by acknowledging unequivocally the views of the men and women throughout the Parliament and beyond who abhor the atrocities that they have witnessed around the world, including in America, Bali and the middle east. I recognise how that moral revulsion would prevent the same people from endorsing a rush to war or a war that would see one young woman or man who serves in the British armed forces make the ultimate sacrifice without just cause.

**Ms Margo MacDonald (Lothians) (SNP):** Does the member agree that, although the United Kingdom has responsibility at present for pursuing foreign and defence policy, this Parliament, as the most representative forum in Scotland, has a moral obligation to express opinion in Scotland?

**Mr McCabe:** I agree that the constitutional settlement in this country devolves certain powers to this Parliament and reserves certain powers to the Westminster Parliament. That is what the people in Scotland voted for and that is what they

expect. They expect the representatives whom they send to the Westminster Parliament to deal with the matters under their control.

There are differences of opinion and reservations that wait to be assuaged. Responsible politicians and responsible people will always take time to consider and weigh up the justification and the consequences of a decision to go to war. All that is right and I give an unambiguous assurance to colleagues in this Parliament and to wider society in Scotland that Labour's amendment acknowledges and respects different views and that, in a developing situation of such magnitude, people rightly require time and facts before they come to a final conclusion.

**Dennis Canavan (Falkirk West):** There used to be an honourable tradition in various political parties that on matters of life and death, including matters of war and peace, members should be free to vote according to their conscience. The member used to be the chief whip of his party in the Parliament. Will he assure us that, after this important debate, members of his party will be free to vote according to their conscience, without any disciplinary action being taken against them?

**Mr McCabe:** I assure Mr Canavan that honourable traditions are upheld within the Labour party. Any speculation, through any organ, that the situation is in any way different from that is unfortunate. The organ that makes such a suggestion has unfortunately been misled.

When people's minds are focused on the international situation, it is right and proper that these matters should be discussed and that any potential courses of action should be justified. It is right and proper that Her Majesty's Government, led by our Prime Minister, Tony Blair, should pursue a path of securing international consensus if we are to deal with threats to peace, safety and security in an increasingly complex world. It is right that we should examine the role of the Prime Minister in securing that international consensus, for we should be in no doubt that his role is a positive one.

It is right that the Prime Minister should make clear the action that he proposes to take in the event of a breach of UN resolution 1441—he has made it clear that we should return to the UN and discuss how to handle such a breach. It is important that he has also made it perfectly clear that he reserves the right to protect British national interests if he believes this country to be under threat. I believe that the people of Scotland and the entire United Kingdom would expect no less.

All that provides considerably more clarity than Mr Swinney was able to provide on television earlier this week when he was asked about his position on military action should it be shown that

Iraq holds weapons of mass destruction and the UN proposes action. He tried to have the best of both worlds and in so doing demonstrated that, when critical decisions are required, he does not have the necessary leadership qualities.

This Parliament exists because a large majority of people in Scotland, over a long period, expressed a desire for a constitutional settlement that allows for government that is closer to the people and enables public policy and the delivery of services to better reflect the unique requirements of our situation in Scotland. Critically, people expressed a desire for a settlement that preserves the United Kingdom and endorses its institutions, including the sovereignty of the Westminster Parliament. They expressed a desire for a settlement that is content with the division of responsibility that comes from certain matters being reserved to Westminster and a very long list of areas being devolved to the Scottish Parliament.

**Mr Kenneth Gibson (Glasgow) (SNP):** When Mr McCabe was Minister for Parliament, he allowed a debate on pardons for men who were executed in the first world war, which is a reserved subject, so does he accept that there is a lack of consistency in his perspective? Does he agree that it would be anomalous for the Parliament not to debate issues such as the one that we are discussing, given that, when I was a member of Glasgow City Council, I participated in debates on Chechnya, Bosnia, trade union rights and the minimum wage? Surely if Scotland's local authorities are free to debate such important issues, Scotland's Parliament should be no less free to do so.

**Mr McCabe:** Local authorities are free to debate the issues, as we are free to debate them, but we should never mislead the people of Scotland about our power to influence. The issue is reserved to the Westminster Parliament. We discussed pardons for soldiers in the first world war during a members' business debate, as Mr Gibson will recall.

Neither John Swinney nor his nationalist party is happy with the fact that international affairs, defence and other matters are reserved to the Westminster Parliament. The SNP is so unhappy that for years it has been telling the Scottish people that that should not be the case. For years, the Scottish people have answered, "We disagree." Repeatedly, the Scottish people have said that, when matters are to be resolved in the United Kingdom, those matters should be the responsibility of the UK Government and the Westminster Parliament. To ensure that Scottish people have a voice in those matters, the Scottish people will continue to send elected representatives from every corner of Scotland to

Westminster to speak on their behalf so that they have influence with the UK Government.

**Dorothy-Grace Elder:** Will the member give way?

**Mr McCabe:** Not at the moment.

Mr Swinney and the Scottish National Party are fundamentally at fault for lodging the motion in this Parliament at this time. In a democracy, the SNP is entitled to pursue policies that are its reasons for existence—an independent Scotland, the break-up of the United Kingdom and the destruction of the history and traditions of which so many of our people are rightly proud. However, whether SNP members like it or not and whether they intend it or not, in lodging the motion, the SNP has opened itself to the charge of using a tense and worrying international situation—a time when the brave young men and women of our armed forces may find themselves in deadly conflict—to illuminate its views on the constitution. The question is not whether the SNP is entitled to pursue its aims, but how and when it should do so and whether it should be able, without being open to the charge of opportunism, to raise issues for which this Parliament has no responsibility.

The SNP is in danger of making the same mistake as its former leader, Mr Salmond, who described action to stop the horrors of ethnic cleansing in the Balkans as "unpardonable folly".

**Andrew Wilson (Central Scotland) (SNP):** He was right.

**Mr McCabe:** That is an interesting comment.

When Mr Swinney sanctions the groundless allegation that Her Majesty's Government is pursuing an inevitable path to war, he is in danger of endorsing Mr Salmond's mistake.

**Dorothy-Grace Elder:** As we know, the legality of the situation is that certain matters are reserved to Westminster. However, can the member give us his views on the vulnerability of Scotland and explain why all Britain's nuclear weapons are dumped on Scotland?

**Mr McCabe:** We are here this morning to discuss a motion that has been lodged by the SNP. Unfortunately, Dorothy-Grace Elder does not always speak in accordance with the subject that is under discussion and now she is in danger of veering off into another subject altogether.

This is a time for unity. This is a time to put political opportunism to one side and to allow the appropriate institutions designated by the people of Scotland, who are within the United Kingdom, to address and resolve matters of the utmost importance.

**Shona Robison (North-East Scotland) (SNP):** Will the member give way?

**Mr McCabe:** Not at the moment.

The young women and men who serve our country are entitled to clear leadership. They are entitled to much more than wild statements about the inevitability of war, which cruelly misrepresent the actual position.

**Robert Brown (Glasgow) (LD):** Given Mr McCabe's response to the constitutional issue, does he accept that, if men and women of the United Kingdom, including those of Scotland, have to go to war, they should be entitled to hear a debate in the House of Commons to which the UK Government should be accountable? There is a difference between accountability and influence.

**Mr McCabe:** Perhaps Mr Brown should take that up with his representatives in Westminster. If Westminster representatives were to be so bold as to dictate to this Parliament what we should discuss and when, we would rightly be upset. They, too, would be upset if we tried to dictate the same to them.

If the SNP were ever to be worthy of government, it would know, without having to be told, that this is the wrong moment to raise this subject.

I shall now deal with some of the myths that are expressed and implied in the SNP motion. Since the terrible events of 11 September 2001, no one has worked harder than our British Prime Minister to find the key that unlocks peace in the middle east, to effect a measured response in the United States to those events and to be an agent of reason in the international community as it considers its reaction to a series of tragedies. I do not believe for a second that Tony Blair would commit one British soldier without extensively considering the gravity of such a decision.

We should not forget that the international community through the UN has called on Iraq to disarm. Compliance with UN resolution 1441 eliminates the possibility of war. That is why the SNP's accusation that

"Her Majesty's Government is ... pursuing an inevitable path to war"

is as opportunistic as it is repugnant. Moreover, when the nationalists demand a second UN resolution or a breach by Iraq before any action is taken and then refuse to confirm that they would support that action if it was agreed to, they call into question their entire motivation for discussing the issue.

**Karen Gillon:** Will the member give way?

**The Presiding Officer:** No, he is in his last minute.

**Mr McCabe:** I assure every member in the chamber that in supporting our amendment they

will be saying loudly and clearly that we are not endorsing war and that there is no inevitability about war. Fundamentally, they will be endorsing the reality that the proper place for the discussion and resolution of these matters is in the Westminster Parliament with Scottish representatives playing a full and influential part.

I move amendment S1M-3760.3, to leave out from "endorses" to end and insert:

"notes the United Nations Security Council Resolution 1441 as unanimously adopted by the Security Council; agrees that the Government of Iraq must comply fully with all the provisions of that resolution and that, if it fails to do so, the Security Council should meet in order to consider the situation and the need for full compliance; notes that a further material breach of Iraq's obligations under resolution 1441 will be reported to the Security Council for assessment; further notes that responsibility for policy on this matter lies with Her Majesty's Government, and also notes the current support given to the Middle East peace process by Her Majesty's Government."

10:06

**Phil Gallie (South of Scotland) (Con):** The decision to go to war is, without argument, the most serious of all decisions that an elected leader has to make. Sending our troops into conflict and putting their lives at stake is the ultimate responsibility, which few would care to take on. The effect on others, particularly civilians in a situation such as that in Iraq, and on the world and domestic economic and social order carries massive moral and practical burdens.

In speaking in this debate, we might be tempted to lambast the SNP for deviating from the Scottish Parliament's area of responsibility. That is particularly the case when our economy, our health service and law and order issues—to name but a few—provide such fertile areas of debate and so many opportunities for Opposition parties to present their ideas. However, the Presiding Officer has quite rightly accepted the SNP motion and, on that basis, I will make comments in line with the seriousness of the situation that the UK faces.

In a democracy such as ours, all are free to express their thoughts and to live without fear of persecution. Indeed, that is a reason why thousands of asylum seekers—many of whom come from Iraq—have sought shelter on our shores. Oh, if only the situation were the same in their homelands.

My platform is based on an acceptance that no democratically elected leader of our nation would act in any way that was detrimental to the principles and objectives of the democracy that we enjoy in the UK and to the overall well-being of our people. Furthermore, I do not believe that such a leader would act against what he considers to be the wider international interest.

Although Tony Blair is not my choice as leader of our nation, he is still our Prime Minister. On this prime issue, we are all obliged to put faith in his judgment and should acknowledge that he has access to an array of information that necessarily carries a high security rating. Mr Blair has said that he is

“faced with intelligence information every day about the proliferation and trade of nuclear, chemical and biological weapons”.

**Alasdair Morgan (Galloway and Upper Nithsdale) (SNP):** Does Mr Gallie accept that one of the concerns that many people have is the seemingly inconsistent approach to the matter? For example, other nations such as North Korea are in a similar or worse situation than Iraq as far as the possession of weapons of mass destruction is concerned. Indeed, officials in Pakistan said last week that, in the recent crisis, they would have been prepared to use nuclear weapons had the Indians crossed the line of control.

**Phil Gallie:** I accept that there are problems elsewhere, but we are debating the SNP motion, which centres on Iraq. I base my arguments on the SNP motion and I am sticking, I suspect, to the Presiding Officer's wishes to keep to the basis of that motion.

If the reports I referred to suggest danger building up for this generation or the next, the Prime Minister would be failing in his duty if he were simply to wring his hands and do nothing.

Something has already been achieved. The weapons inspectors are back in Iraq on terms agreed by the United Nations. Let us not kid ourselves: without the threat of force made by the USA and the UK towards the end of last year, that would not have been the case. Certain members deplored such threats last year, but now talk about Security Council resolution 1441 in glowing terms. The SNP motion refers to that resolution in such terms. I noted that John Swinney did not answer Karen Gillon's question about whether he believes that the threat of force induced Saddam Hussein to take the weapons inspectors into Iraq.

The SNP motion includes a reference to the Campaign for Nuclear Disarmament. I contend that, had previous British Governments listened to the advice of CND, we would be debating here today under the shadow of the Berlin wall or worse still.

A principal aim of the motion seems to be to ensure that the weapons inspectors have sufficient time to do their job and to prevent any military action without the passing of a second Security Council resolution that countenances such action. We accept the first aim; we regard the second aim as a preference, but not as a block. As we have found in the past, factors other than the central

tenet of the objectives can be used to have such a resolution vetoed.

We emphasise that, irrespective of the findings of the weapons inspectors, Iraq must demonstrate clearly where stocks of weapons of mass destruction—which it acknowledged it had—have been dispersed. All in the chamber are well aware that those stocks existed in the past. David Winnick MP, a Labour member of the House of Commons who is best known, perhaps, for his old Labour credentials, reminded us of that yesterday. I suspect that no such reminders were necessary for Iranians and for Saddam Hussein's Kurdish and Shi'ite Muslim countrymen.

**Shona Robison:** What was the member doing when his party's Government was selling arms to the Iraqi regime that was persecuting the Kurds? The SNP raised concerns about what Saddam Hussein was doing; what was the member's view at that time?

**Phil Gallie:** At that time, the Government of the day had a block on arms sales to Iraq. That is a fact. Since then, the previous and the present Governments have attempted to protect the Kurdish communities in Iraq at all times.

**Mr Lloyd Quinan (West of Scotland) (SNP):** Will the member take an intervention?

**Phil Gallie:** I am sorry; my time is limited and I cannot give way again. [*Interruption.*]

**The Presiding Officer:** Order. The member said that he would not give way.

**Phil Gallie:** Although we stress our support for the Prime Minister, we express concern that members of his Cabinet seem to lack the faith that we demonstrate. We accept that, in government, it is inevitable that there are differing views on a range of topics. It would be a poor Cabinet, or Executive, if that were not the case. However, the place for airing those views and debating them lies behind the closed doors of the Cabinet room. When the nation is faced with a war situation, our troops in particular deserve a united Government and preferably a united country behind them.

I recognise the impracticality of the latter, given the contents of Tommy Sheridan's amendment. I fear that, under a regime such as Saddam Hussein's, Tommy, with his habit of breaking even our comparatively lenient laws, would not have lasted the course to reach the prominence that he enjoys today.

I turn to issues that concern me about facing up to our involvement in armed conflict. Just before Christmas, I asked a puzzled First Minister about the effect on Scottish rail services of calling up Territorial Army soldiers and reservists. My question was opportunistic, latching on to the subject matter of a question on railways. It was

raised in the hope that the First Minister would take on board the wider implications for Scottish business and the economy. I wonder whether subsequently the First Minister has acknowledged the likely effects and whether any analysis has been carried out.

The impact of war will perhaps be greatest on public services, with the health service being required to part with key staff for the duration of any conflict. Last July, the Army had a shortfall of 220 general practitioners and had only 195 in post. It had only 23 anaesthetists when 120 were needed and only 29 surgeons when 71 were needed. Those figures take account only of normal operational activity. What demands will be made of our national health service trusts and what will the effect be? I accept that if we send our troops to the gulf, there will have to be full medical cover for them.

I acknowledge that the manning of the armed services is a matter for Westminster, but I believe that the knock-on effect of calling up reservists will have an adverse effect on the Scottish economy. In April 1997, our armed services complement stood at 215,000. In October last year, it was down to 206,000. Our areas of deployment extend from the Balkans to Africa, to the middle east to the Mediterranean, to the American continents. The pressure on our service personnel is immense, as is the pressure on their families.

**The Presiding Officer:** The member must wind up.

**Phil Gallie:** I accept the Presiding Officer's judgment. We will support Tom McCabe's amendment irrespective of whether the Labour party accepts my amendment to his amendment. My colleagues and I want to avoid war. We hope that war will not take place, but if it does, it is necessary to place my amendment next to that of Mr McCabe.

I move, as an amendment to amendment S1M-3760.3, amendment S1M-3760.3.1, to insert at end:

"and extends its full support to our armed forces if, as a consequence of an Iraqi failure to comply, military action should prove necessary."

10:18

**Tavish Scott (Shetland) (LD):** It is a difficult time to confront international affairs. Today, the Scottish Parliament can express a view, and I commend the Liberal Democrat amendment to colleagues throughout the chamber. The same amendment received all-party support in the House of Commons in November and I encourage that consensus in Scotland today.

Iraq is the primary focus of international attention at this time, but it is important to

recognise the parallels and links to so many of the world's pinchpoints, whether in North Korea, Afghanistan or Palestine. If only that international attention—particularly from the Americans—were trained on resolving the huge, seminal conflict in the middle east. If Israelis and Palestinians were at peace, surely much would flow from that.

The links illustrate the difficulties of divorcing one international crisis from the deeply disturbing developments elsewhere. I cannot conceive that no repercussions would result from military activity in the gulf. That is why the United Nations is so important. The debate is not simply about Saddam Hussein's evil regime and the nature of the threat that it poses to world peace, but about how the world in general and the United Kingdom in particular confront the threat posed by those who flout international law.

I will set out the core principles that Liberal Democrats believe should underpin the United Kingdom's consideration of the issues. No country should ever exclude the use of military force to protect the safety and security of its citizens, but any military action must be consistent with the principles of international law and be considered as a last resort. Any decision to commit British forces to armed conflict should be subject to a debate in the House of Commons on a substantive motion.

Recent days have been dominated by the interim report of the chief United Nations weapons inspector, Hans Blix. The activities of the weapons inspectors in Iraq were given authority by the unanimous Security Council resolution of 8 November. The Secretary-General of the United Nations Kofi Annan, the British Government and the British United Nations mission deserve credit for that achievement.

Yesterday, the inspectors entered Saddam Hussein's Al-jamhory presidential palace in Baghdad. Iraq is a country the size of France; it will take time to examine the locations thoroughly and to follow the intelligence leads. That time needs to be taken. That is why I welcome the comments of the Prime Minister's spokesman last Thursday that the 27 January deadline, when inspectors are due to report their findings, should be seen as a staging post and not a deadline.

The US Secretary of State Colin Powell has said in recent days that 27 January is not "D-Day for decision making". This week, Kofi Annan stated that the weapons inspectors must be allowed to complete their job in Iraq. On Tuesday, President Bush ratcheted up the rhetoric against Iraq, illustrating frustration and impatience, but even he did not set a definitive timetable for the work of the inspectors. As John Swinney said, the smoking gun has yet to be found, but Mr Blix said yesterday that Iraq's declaration, submitted in December, did

not contain any new evidence to verify its claim of disarmament. Mr Blix said—and I am sure that his view is shared by all—that he was concerned that Iraq had been smuggling weapons in contravention of United Nations resolutions.

The United Nations weapons inspectors are pursuing their task. Mr Blix demonstrates the dangers of the Iraqi regime, but he does so by operating within the United Nations resolution that gives him his powers. It is for Mr Blix and his colleagues to produce evidence to the Security Council, and for the United Nations then to assess and act on that evidence. That is why the comments of the Prime Minister, the United Nations Secretary-General and the United States Secretary of State about the inspectors having time to complete their work are so important.

The core argument, especially against the background of a vast military build-up—HMS Ark Royal is leaving Loch Long this week—is that the United Nations, and not the threat of war, must drive the process. There must be no doubt that the senior inspectors, rather than the intelligence agencies of certain countries, will determine whether or not a breach has occurred. When the inspectors report, it must be the entire United Nations Council that determines whether a breach is material, and what action must be taken.

**Ms MacDonald:** For the purposes of clarity, will Mr Scott repeat what he has just said? He made the same point that I raised in an earlier debate on Iraq—that there is a difference between the Security Council of the United Nations and the entire body of the United Nations. Is that the point that he is making?

**Tavish Scott:** The Security Council of the United Nations has the responsibilities. That is how the resolutions are drafted and, as I understand it, that is the process that will be followed.

I shall touch briefly on the United States, which has a foreign policy that is now based on a doctrine of pre-emptive action against any country that threatens world peace. President Bush committed his country to that doctrine in a speech at the West Point Military Academy in June last year. That strikes me as profoundly dangerous, and threatens to undermine the role of international law. Quite where such a doctrine begins and ends is highly questionable. Such a doctrine can and is being copied. Ariel Sharon cites such an approach in defence of Israel's actions in Palestine. The Indian foreign minister claimed, over Kashmir, that

“pre-emption is the right of every nation to prevent injury to itself”.

Vladimir Putin's actions against the Chechens are accepted on the basis of exactly the same

principle. What has been unlocked by such a doctrine other than greater international insecurity?

The Bush doctrine is backed by the Administration's conscious rejection of multilateral approaches on everything from nuclear missiles to handguns. Against that belligerent background, there is a need for sane pressure to be applied. If the special relationship is powerful, the British Prime Minister must, as happened in the autumn, seek to ensure that President Bush and the White House hawks operate under the auspices of the United Nations. As Charles Kennedy has put it:

“It is disingenuous to argue that we want to work through the UN, but only if the UN does what we want.”

**Karen Gillon:** If the inspectors found weapons of mass destruction, and if the UN Security Council said that we should act, what does Tavish Scott believe Saddam Hussein would be doing with those weapons in the time that it takes us to have a motion and a vote in the House of Commons?

**Tavish Scott:** It strikes me as profoundly important that the House of Commons, about whose powers members of Karen Gillon's party have talked in relation to the constitutional settlement in this country, must have the right to debate the matter on a substantive motion. If it does not, should we sit constantly in a position in which all we do is trust, against the word of the many Labour back benchers who supported the Liberal Democrat amendment in the Commons on 27 December? Are we to follow that route, or are we to accept in principle that it is important that the House of Commons should have a vote on a substantive motion? I believe, and my party believes, that that is the route that should be followed.

It is wrong to declare that the Government is pursuing an inevitable path to war. Supporting the SNP motion would mean opposing war in all circumstances. That would mean failing to fulfil Britain's obligations under the North Atlantic Treaty to go to the aid of Turkey, as a fellow member of the North Atlantic Treaty Organisation, if Iraq were to attack. No country can ever conclude that it will never in any circumstances go to war if such a war is necessary for the protection of its citizens. However, the Parliament should not send out a message that war is inevitable, as the SNP wishes. The SNP may believe that war is inevitable but Liberal Democrats do not.

**Mr Swinney:** I want to clarify and confirm for Mr Scott what I said in my speech earlier this morning. I believe that the military build-up, with the sailing of the Ark Royal and the sending of the fleet, creates an inevitability of war, because it is difficult to put such action into reverse. My point is

that, if there is to be a military strike, it must be based on compelling evidence that is put before the United Nations and which the United Nations believes is sufficient for military action. That is the common ground that exists between my position and that of Mr Scott.

**Tavish Scott:** I can accept Mr Swinney's remarks about the role of the United Nations, but I can read his motion as well. I believe that the last sentence of that motion is entirely inappropriate, and I have said why I will not support it.

The Liberal Democrat amendment, unlike the motion in Mr Swinney's name, stresses the importance of the House of Commons having a debate and a vote on a substantive motion before British forces are committed to any action against Iraq. I reiterate my party's position: the UN must be at the centre of all efforts to resolve the international situation. We opposed, and continue to oppose, the threats against Baghdad of unilateral action. Liberal Democrats have raised, when others would not, the questions, difficult issues and serious international consequences of unilateral military conflict. It is an approach based on ensuring and insisting that Saddam Hussein complies with the unanimous UN resolution, but it is also about recognising that the British national interest may require the Prime Minister to say no to a US demand for a unilateral attack on Iraq without United Nations authorisation.

Liberal Democrats are asking of Government the questions that the people of Scotland and Britain want asked and answered. We reflect the scepticism of many. In supporting our amendment, Parliament can say that those issues must be resolved before any action involving Britain is taken. The Liberal Democrat position is clear. There should be no military action against Iraq without a UN mandate, and there should be a debate on a substantive motion in the House of Commons before British forces are committed. That is the right position and I encourage Parliament to support it.

I move amendment S1M-3760.2, to leave out from "endorses" to end and insert:

"recognises the reserved nature of issues relating to the current international situation and the public concerns that exist and therefore agrees to support UN Security Resolution 1441 as unanimously adopted by the UN Security Council; agrees that the Government of Iraq must fully comply with all the provisions of the resolution; agrees that, if it fails to do so, the UN Security Council should meet in order to consider the situation and the need for full compliance; believes that any decision that Iraq is in "material breach" of Resolution 1441 is for the UN Security Council as a whole to determine and that no military action to enforce Resolution 1441 should be taken against Iraq without a mandate from the UN Security Council, and further believes that no British forces should be committed to any military action against Iraq without a debate in the House of Commons and a substantive motion in favour."

10:28

**Tommy Sheridan (Glasgow) (SSP):** This morning's debate is crucial. Human destruction and the horrible loss of innocent children's lives are much more important than constitutional etiquette. When they criticised the SNP for sponsoring today's debate, some Labour members said that the matter has got nothing to do with us and that we have no remit—according to Mr McCabe, we do not even have any influence. I knew that we did not have any power, but the thought that we do not have any influence is a bit worrying. Those comments remind me of the heady days of the 1980s, when all those members would have been in the front line in attacking the Tories, who were criticising Labour councils throughout the country that dared to discuss apartheid in South Africa or to give the freedom of their city—as Glasgow did—to Nelson Mandela. They were told then that they had no remit, no power and no influence, but when people in elected positions of power throughout Britain and across the world discussed such matters, a change in world opinion resulted.

With matters of such importance, it would be complete and utter nonsense if the Parliament did not discuss what is being discussed in households, communities, workplaces and public houses throughout this country. It is important that we discuss the impending war on Iraq. As elected politicians, we have comfort and security and therefore can deliberate on such matters. It is important to discuss whether unleashing a new hell on the people of Iraq is right or wrong, just or unjust, legal or illegal and moral or immoral. We should discuss such matters today.

**Phil Gallie:** Tommy Sheridan has made strong points about the responsibilities of elected representatives. As a person who is responsible for legislation, does he believe that it is right to encourage others to break the law?

**Tommy Sheridan:** Bad laws deserve to be broken. That is what civil disobedience is about; it is also how, throughout history, progressive change has been delivered. The member should read about the chartists and the US civil rights movement, from which he would learn about breaking bad laws.

My amendment attempts to articulate the views of MSPs who believe that America's plan to bombard, invade and effect regime change in Iraq is motivated by a desire to control Iraq's vast oil reserves and has nothing to do with justice, weapons of mass destruction or the war against terrorism. That is what we believe, regardless of the opinions of the UN Security Council, particularly those of its five permanent members, which largely ignore the opinions of the other countries in the UN. Some of those members—

China, Russia and the United States of America—have questionable human rights records. We believe that that body is susceptible to bribes and blackmail and therefore does not have the right to decide whether a war is right or wrong, or moral or immoral.

**Robert Brown** *rose—*

**Ben Wallace** *rose—*

**Tommy Sheridan:** I want to proceed. We are told that the war will be about weapons of mass destruction and the need to disarm, but what a nuisance North Korea has become to that hoary old chestnut.

**Johann Lamont (Glasgow Pollok) (Lab):** Will the member give way?

**Tommy Sheridan:** The member should let me develop my point—then I will give way.

Iraq has been subjected to 12 years of horrible medical and supply sanctions. It has allowed weapons inspectors into the country for the past seven weeks and has invited the Central Intelligence Agency to join them. The weapons inspectors have reported that they cannot find anything, but Bush's response is to send in troops and prepare for war. North Korea has decided to expel weapons inspectors and has told the world that it is developing a nuclear weapons programme. It has decided to withdraw from the non-proliferation treaty and warns that it will turn America into a sea of fire. The US's response is to send diplomats, promise aid and try to deal with matters diplomatically. People should wake up and smell the oil. Oil is the difference between North Korea and Iraq.

**Johann Lamont:** Does Tommy Sheridan agree that the troubling lesson from North Korea lies in the dangers that result when a nation has developed a nuclear capacity? The lesson that we should take from the North Korean situation is that we must act against Saddam Hussein now if he has weapons of mass destruction, as a time will come when Iraq's having such weapons will create a danger for the entire international community.

**Tommy Sheridan:** Weapons inspectors operated in Iraq until four years ago. Scott Ritter, who was the leader of the weapons inspection team, is an ex-marine who voted for George Bush and calls himself a Republican. He said that 95 per cent of Iraq's weapons of mass destruction have been destroyed and that Iraq no longer has nuclear technology or the ability to propel nuclear weapons. I say to Johann Lamont that that is why there is no proof that Saddam Hussein has weapons of mass destruction.

**Helen Eadie (Dunfermline East) (Lab):** Will the member give way?

**Tommy Sheridan:** No, thanks.

The treatment of public opinion in this country and throughout the world has been offensive. We are told that the mobilisation in the gulf of up to 300,000 troops from America and up to 50,000 from the UK is simply for exercises. People should stop telling lies and start telling the truth. War is being prepared for, regardless of whether or not weapons of mass destruction are discovered. North Korea is being treated differently from Iraq as it does not have oil—that is the reality of the situation.

It is time for disarmament. Members have spoken about the need for disarmament and the members who signed my amendment and I agree with them. We hope that our amendment will be accepted.

**Helen Eadie:** Will the member give way?

**Tommy Sheridan:** I am sorry, but I want to develop the point that I am making.

Our amendment does not say that we are against weapons inspectors—on the contrary, we are in favour of them. However, why should they be restricted to Iraq? Why do they not go to Pakistan, India or Israel? We believe in disarming Saddam Hussein, but we also believe in disarming Ariel Sharon, who is the military butcher of Shatila and Sabra. We are opposed to the inconsistency that is shown by Labour members who want to try to bask in the USA's limelight, as if that gives us influence on the world stage. Most of the rest of the world believes that we are becoming no more than a poodle of the USA and that we are its 51<sup>st</sup> state.

**Helen Eadie:** Does Tommy Sheridan accept that, following the defection of Saddam Hussein's son-in-law—the former director of the Military Industrialisation Commission—Iraq released more than 2 million documents relating to its weapons of mass destruction programmes, which it acknowledged it had? A friend of mine in the European Space Agency in Brussels told me that a satellite has shown that those facilities have now been rebuilt. I have the dossier, which has been published and is on the web for any member of the public who wants to read it.

**Tommy Sheridan:** Giving way to such spontaneous interventions in debates is marvellous. If such information is so accessible on the web, we might wonder what the hell the UN weapons inspectors are doing, given that they have not found anything yet. The member should get real and stop kidding the people.

We should know that Saddam Hussein had weapons of mass destruction, as we—or rather the Tory Government—supplied them. The Tories come to the chamber and wring their hands about



the butcher of Baghdad, but they armed him and should be ashamed of having done so.

Those who support my amendment are clear that there is no justification on moral or political grounds for waging war on Iraq. This is not about a war on terrorism. If it was, why has the CIA not discovered that al-Qa'ida is active in Iraq, despite its best and most hopeful efforts and despite its having discovered that al-Qa'ida is active in 60 countries? Of course, it has now discovered that al-Qa'ida despises the Iraqi regime because of the secular nature of that regime. This is not about a war on terrorism—it is about shoring up cheap oil supplies for the USA. It is time that we told the truth to the people of our country.

I will finish by making a point loud and clear, in case some members do not hear me. George Bush has told us that we must choose a side. Whose side are we on? Are we on the side of America or the terrorists? I want to make it abundantly clear that we are neither on the side of individual terrorists nor on the side of state terrorists—we are on the side of peace. To deliver peace, a war on poverty and inequality is needed, and justice in Israel and a withdrawal from Palestine will be needed. Members who are against war should be in Glasgow on 15 February to join thousands of Scots who will proudly stand against war in Iraq and for justice and peace throughout the world.

I move amendment S1M-3760.1, to leave out from second "believes" to end and insert:

"considers the Iraq inspections should be the first stage in comprehensive investigations of weapons of mass destruction possessed and being pursued by states throughout the world, including the USA, UK, Israel, Pakistan, India, North Korea, Russia and any others who must be persuaded to allow full and comprehensive assessments of nuclear, chemical, biological and other weapons of mass destruction, with a view of pursuing genuine and all-encompassing disarmament of such weapons throughout the world; believes that there is no moral, humanitarian or military reason to go to war with Iraq whether or not the UN gives its approval, and therefore calls on all MSPs to oppose the coming war by all means possible including civil disobedience."

10:40

**Mr George Reid (Mid Scotland and Fife) (SNP):** When Saddam Hussein attacked Kuwait on 2 August 1990, I had been working in conflict zones for some time as director of the world campaign for the victims of war. The campaign, which was set up by the International Red Cross and Red Crescent Movement and humanitarian agencies, had two basic objectives. The first was to make it clear to presidents and prime ministers that when they go to war they are not free agents. They are bound by a whole corpus of international law: the international law of war—the Hague and

UN conventions on war; international humanitarian law—the Geneva conventions and their protocols; and the international law on human rights. The second objective was to bring impartial protection and assistance to those caught in the crossfire: the bombed and bombed out Iraqi peasant; the western hostage; the disappeared journalist; and the bailed-out British flier.

As the clouds of war collect again in the middle east, I want again to stress the key principles of law, protection and assistance. Four fundamental questions must be addressed before a country goes to war. Question 1: is the threat so immediate that it can be answered only by military action? That was the case in 1990. Today, Saddam Hussein runs an evil and murderous regime, but I see no immediate threat or obvious linkage to terrorism. In terms of danger, the North Korean regime and al-Qa'ida pose the immediate threat.

Question 2: have all alternatives to military action been tried? So long as the UN inspectors are in Iraq, the answer is no. Tavish Scott is quite right to say that their interim report is a staging post, not a deadline.

**Dr Richard Simpson (Ochil) (Lab):** Do Mr Reid and the SNP believe that Saddam Hussein would be allowing the inspectors unfettered access without the credible threat of force that is provided by the preparations that are being made? Saddam Hussein has already accused the inspectors of spying and he has already acquired weapons, against the terms of the embargo. Does Mr Reid believe that without a credible threat of force Saddam Hussein would allow the access that we all want?

**Mr Reid:** That access has been brought about by United Nations action and by Russia, China and other states, including our European allies, bringing pressure to bear. As John Swinney said, that is where the focus must lie.

Question 3: is there a higher sanction for military action? The answer is, "Not as yet." Resolution 1441 says only that non-compliance will be a "further material breach" of obligations. As our European allies have made clear, the words that trigger action are "all necessary means". The Liberal Democrats are right that that means a second resolution is necessary.

Question 4: will military action make a bad situation better or worse? Until questions 1 to 3 are resolved, military action will make the situation worse. There is no evidence of an exit strategy. If the American objective is to replace Saddam Hussein with a more compliant thug—I know some of the opposition—what will military action resolve? The middle east is the key.

I have here a document marked "highly restricted" and "highly confidential". It contains reports to the UN Secretary-General about the UN agencies' humanitarian contingency planning and makes frightening reading.

In the event of war, the World Health Organisation anticipates that there will be 500,000 casualties, the majority of whom will be civilians—100,000 will suffer direct injuries and 400,000 will suffer indirect injuries. The United Nations Children's Fund—UNICEF—estimates that 3 million people will require immediate feeding on the outbreak of war: 2 million malnourished children under five and a million pregnant women. A further 13 million will need supplementary feeding.

The United Nations High Commissioner for Refugees recognises that 1.5 million people will need emergency shelter straight away. There will be at least a million refugees and millions more internally displaced people will spill about the country. The country's capacity to generate electricity will be destroyed. Sewage will seep into the water and some 13 million people will need clean water.

I am not a pacifist. There are times when evil can be addressed only by a just war, but without proof and without a mandate I cannot believe that what is being planned at present is just. The Red Cross in Geneva is a stark memorial to the 200 million people—men, women and children—who have lost their lives in conflict in the past 100 years. Tom McCabe is right to say that this Parliament does not have the power, but it can have the influence; it can be the conscience of Scotland. Above the doors of the Red Cross in Geneva, there is a phrase from Dostoevsky, which we should remember in time of war. It states that, in war,

"Everyone is responsible to everyone for everything."

10:46

**Mr John Home Robertson (East Lothian) (Lab):** As citizens of the United Kingdom, we are all entitled to express our opinions on British foreign policy. I am happy to contribute to the debate as an individual British citizen—albeit as one who has the benefit of some experience of the House of Commons Select Committee on Defence.

I well remember visiting British forces, including a number of my own constituents, in Saudi Arabia before the gulf war and in Kuwait immediately after that conflict. I will never forget the mayhem that had been wrought by the Iraqi invasion on its small neighbour. The burning oil wells were eventually extinguished, but many Kuwaitis had disappeared without trace.

The Government of Iraq is an abomination. We know what it has done to many of its own citizens and, if it has nuclear, biological or chemical weapons, it is a menace to the wider world. I suggest that it is no bad thing for the international community to confront dangerous and oppressive regimes, wherever they may be.

**Mr Kenny MacAskill (Lothians) (SNP):** Is not it absurd that we are sending a cricket team to entertain people in Zimbabwe and a task force to destroy people in Iraq, given that they both have despotic leaders and starving populations?

**Mr Home Robertson:** With great respect, I say to the member that it is silly to trivialise a debate of this nature by talking about cricket.

Our colleagues at Westminster, including ministers and, importantly, members of the Select Committee on Defence and the Select Committee on Foreign Affairs, will be able to judge the evidence. We have to accept that some of that material cannot be published. I have had to vote to send British forces into combat on three occasions, and everyone in the chamber should understand that that is the most difficult responsibility for members of Parliament at Westminster.

Our colleagues at Westminster will ask a lot of important questions. In particular, they will ask what mission our ground forces will have and what exit strategies will follow any deployment of ground forces. I am sure that those questions are being addressed.

**Robert Brown:** Will the member give way?

**Mr Home Robertson:** No. I am sorry, but we are all constrained by time.

We can take a lot of pride in the fact that the British Government has prevailed on the United States to ensure that any action against the Iraqi regime be taken under the auspices of the United Nations, just as action to stop ethnic cleansing in Kosovo was taken by NATO with the qualified authority of the UN. The Americans were right to stop unilateral action by Britain at Suez in 1955 and we are doing them a favour by insisting on due respect for the UN now.

Someone mentioned that a former MSP described the action to protect the Albanians in Kosovo as "unpardonable folly". I happened to do some relief work in Kosovo with Edinburgh Direct Aid in 2000. The victims of ethnic cleansing there were very grateful to the NATO forces who had done what was necessary. Happily, they had never heard of Alex Salmond.

If the UN inspectors find evidence of weapons of mass destruction in Iraq, there would be an overwhelming case for the UN to sanction appropriate action to deal with that threat. If one of

the nastiest regimes in the world were to fall as a consequence of such action, I think that most people would see that as a collateral blessing.

Other members have already made the point that Iraq is not the only country in the world with a rogue Government and illegal weapons. We should be concerned about the fact that dispossessed and internationally excluded people around the world can be tempted to support such totalitarian tyrants in the face of perceived western arrogance. There can never be any justification for terrorism, but there can be explanations for its causes.

We should advise our American friends that the resolution of serious international injustices must be an essential part of the strategy of the war against terrorism. Specifically, our American friends must understand that a fair and secure settlement for Palestine would remove one of the fundamental injustices that lie at the root of the despair that leads to terrorism. That is why I welcome the initiative of this week's London conference on the renewal of Palestine, which is the clearest possible demonstration of Britain working for peace.

Nobody in their right mind wants a war, but likewise, nobody in their right mind should ignore the threat of weapons of mass destruction in the hands of a known criminal. It is right to trust the United Nations and our colleagues in the United Kingdom Government and Parliament. I support Tom McCabe's amendment.

10:50

**Michael Russell (South of Scotland) (SNP):** The debate is an important occasion for the Parliament because it provides an opportunity for us to speak for Scotland in different voices, giving different points of view. The debate provides us with an opportunity to speak for different strands of opinion in Scotland on a deeply serious matter. Some members have risen well to that challenge. I compliment Tavish Scott, who did not once question the Parliament's right to debate the matter. Even Phil Gallie raised that point only in passing. However, it was deeply depressing to listen to Tom McCabe's speech. It seems that the only valid argument that he can put is that we should not be talking about the issues. That is the weakest possible argument.

Labour has a valid argument, which almost emerged in John Home Robertson's speech, although I profoundly disagree with it. As Karen Gillon said in her remarkable intervention during Tavish Scott's speech, Labour's argument is anti-democratic, but there is an argument to be put.

Democracy consists of tolerance, dialogue and leadership. There has been scant tolerance from

Labour members for any other point of view. They have refused to listen and take part in dialogue. I was particularly shocked by the attacks of two Labour members on Alex Salmond's views on Kosovo. Those attacks were accompanied by grins, pointing and jeering from Labour members. Whatever members think of Alex Salmond's contribution on that issue, he spoke strongly and passionately about his principles on war and the problems of war. I respect people who have such views, even though I do not always agree with them, which is why I respect Tommy Sheridan's powerful comments.

**Karen Gillon:** I respect members' right to make comments, but, in the light of the evidence, does Michael Russell accept that Alex Salmond was wrong?

**Michael Russell:** I do not accept that in any sense. [*Interruption.*] Labour members are at it again. Most of the evidence on Kosovo that has emerged has indicated that the success of NATO's strategy is highly questionable. I respect Alex Salmond's right to make such comments and I will not condemn him.

The key issue in the debate is simple, although it sometimes seems confused because of the complexities of United Nations resolutions and other matters. The simple issue is whether the solution to world problems at the start of the 21<sup>st</sup> century is for the strongest to act without reference to the weakest. Is it right simply to send a gunboat, or should we listen to what the rest of the world says? The real problem is the old-fashioned concept of acting according to what one believes without reference to others. Tavish Scott introduced an important additional element when he talked about the reliance of modern states not only on saying, "We know best," but on pre-emption, which means saying, "We know best, no matter what the evidence is, and therefore we will act."

The issue is whether in the 21<sup>st</sup> century we have advanced sufficiently to recognise that, as citizens of the world, which could be destroyed by the actions of a single state, we must be protected from the actions of such single states by collective decision making. We must be protected from individual action by collective agreement. If any nation departs from that position, the whole world will be put in danger. The debate is about the contrast between the collective security of the UN and individual actions that might lead to dangerous anarchy; it is about the contrast between having the rule of law and having no rule of law. Choosing to have no rule of law will put the whole world in danger.

10:55

**Helen Eadie (Dunfermline East) (Lab):** I speak in support of Tom McCabe's amendment. In common with people all over the world, I have never felt more afraid of the possibility of war. I was born not long after the second world war. My memories are flooding back and the insecurity about the enormity of the situation that I felt then is with me again. My imaginings as a child are becoming more vivid and frightening as, daily, I learn more about Saddam Hussein's brutality. Mike Russell speaks of democracy; I wish that the people of Iraq enjoyed a democracy, as we do. I do not want war; I want peace with all of my being. I want to know that my children's future is secure. Later this month, I will join with others in prayers and meditation at an event in Edinburgh.

Saddam's regime in Iraq poses a unique threat to our world. His record of internal repression and external aggression gives rise to unique concerns about the threat that he poses, not only to his region, but to the world. Politicians from throughout the chamber have, over the decades, championed the cause of disarmament. Some have championed the cause of unilateral disarmament, others the cause of multilateral disarmament. Over the years, there have been many resolutions on disarmament at Labour party policy-making conferences and my colleagues at Westminster have been at the forefront of those campaigns.

I was a stern critic of Tony Blair when I thought that he did not go to war soon enough to stop the abhorrent ethnic cleansing in Kosovo. At the end of January, a Holocaust remembrance ceremony will take place in Edinburgh. I urge all members to reflect on the words of Pastor Niemöller, who was a victim of the Nazis. He said:

"First they came for the Jews and I did not speak out—because I was not a Jew. Then they came for the communists and I did not speak out—because I was not a communist. Then they came for the trade unionists and I did not speak out—because I was not a trade unionist. Then they came for me and there was no one left to speak out for me."

We must speak out for the hundreds of thousands of children, men and women who are being murdered, raped and tortured in Iraq. A million lives were lost in the war between Iran and Iraq. That war was about oil and was a result of Saddam Hussein's desire to get more money by pushing up oil prices.

**Tommy Sheridan:** Will the member give way?

**Helen Eadie:** I will come back to Tommy Sheridan.

Saddam has used his weapons against his own people. Some of his weapons are deployable within 45 minutes of an order to use them. He has

the capability to send missiles that can reach Cyprus and all Iraq's gulf neighbours. The United Nations Security Council record to date, and resolution 1441, have demonstrated potently the international community's collective will. Kofi Annan has said:

"If Iraq's defiance continues, the Security Council must face its responsibilities."

In a debate on Iraq in the House of Commons on 25 November, Jack Straw said:

"I should make it clear, as I did on 7 November, that the preference of the Government in the event of any material breach is that there should be a second Security Council resolution authorising military action."

Mr Swinney's motion advises the Scottish Parliament that legal opinion has concluded that resolution 1441 does not provide an authorisation for military action in Iraq and that any such use of force would breach international law. During that same debate, in response to a question, Jack Straw said:

"The United Nations charter on international law is not that precise. I have already said what our intentions are. As for humanitarian action, exactly this issue arose in 1999 in respect of Kosovo. Could there be military action against Milosevic, whom we now know to have been a brutal dictator, in the absence of a clear United Nations Security Council resolution, and given also that the Russian Federation, a member of the P5, moved an unacceptable resolution that we had to veto? The judgment was that the international community could take action, and that has never been challenged ... had we not taken that reservation in 1999, no military action against Milosevic would have been possible in respect of Kosovo, and that tyrannical dictator would still be ruining the lives of millions of people in the Balkans."—[*Official Report, House of Commons*, 25 November 2002; Vol 395, c 53-4.]

I am sorry that I do not have time to list all the atrocities against the people of Iraq. We should support Tom McCabe's amendment.

11:00

**Dennis Canavan (Falkirk West):** I welcome the opportunity to debate the current international situation. Since our previous debate on international affairs, the United Nations weapons inspectors have gone into Iraq to search for weapons of mass destruction. Hans Blix tells us that they have not found any "smoking gun", but George Bush and Tony Blair still seem hell-bent on war, with or without the approval of the United Nations. I maintain that any such action would be morally unjustifiable and, without the explicit approval of the United Nations, illegal. Bush and Blair claim that the war is necessary to combat terrorism. None of us can forget the terrible events of 11 September 2001; however, the response of the international community must be based on reason rather than revenge. The dogma of an eye for an eye could blind us all.

Saddam Hussein is, without doubt, a despicable dictator who, not so long ago, was aided and abetted by western powers including Britain and America. However, there is no apparent link between Saddam Hussein and al-Qa'ida, and no one seriously believes that Britain or the United States is under threat of attack by Iraq. Iraq is not the only state—or the only so-called rogue state—in the world that is alleged to have weapons of mass destruction, and there is a widespread suspicion that the war on Iraq has more to do with oil supplies than a genuine desire to get rid of weapons of mass destruction.

There is also an element of hypocrisy on the part of the warmongers. What kind of example would Britain and the United States of America set the rest of the world by attacking Iraq with weapons of mass destruction that would inevitably kill hundreds of thousands of men, women and children, many of whom are the innocent victims of Saddam Hussein's brutal regime? Attacking Iraq could also, ironically, enhance the status of Saddam Hussein, who is already perceived by many young people in the Arab world as a great hero because he is prepared to stand up to the military might of America.

No wonder that opposition to the war is growing. All the indications are that the majority of the people of this country are opposed to the war. Strong reservations and, in some cases, absolute opposition have been expressed by our European partners, church leaders of various denominations and politicians of various complexions, including members of Tony Blair's Cabinet. I hope that the Scottish Parliament today will send out a strong message to Tony Blair that he should stop acting as George Bush's message-boy and instead persuade the American President to follow the path of peace rather than war.

To recoin an old phrase of the Prime Minister's: of course we must be tough on terrorism, but we must also be tough on the causes of terrorism. Sometimes, terrorism thrives on poverty, injustice and the violation of human rights. The most precious and fundamental of all human rights is the right to life. War in Iraq would destroy too many innocent lives, and that is why we must increase our efforts to stop this senseless war and redouble our efforts to work for peace and justice, especially in the middle east.

11:04

**Donald Gorrie (Central Scotland) (LD):** I congratulate John Swinney on securing this debate. It is the right—and possibly the duty—of the Parliament to comment on these issues. We have no control over them, but we have the right to comment on them. The accusation of opportunism that has been made against John

Swinney is unfounded. If I have any criticism of John Swinney, it is that he should have secured the debate earlier; however, that is not to say that it is wrong that we are discussing the issue today. There is huge public concern.

I shall concentrate on persuading members—or trying to persuade members, as it is a hard task—that, apart from maintaining their tribal loyalties and supporting their party amendment or motion, they should examine the Liberal Democrat amendment seriously and, if they agree with it, consider voting for it. We stress three points in our amendment: the first is the public concern on the issue; the second is the need for a new, clear mandate from the United Nations; and the third is the need for a parliamentary vote at Westminster.

It is clear that the Prime Minister has failed to convince a huge section of the British people that it would be right for us to go along with America in attacking Iraq without a full United Nations mandate. The church leaders who support the Christian concept of a just war do not support a pre-emptive, unilateral attack on Iraq. A huge number of the public do not support that. The United States has also failed to convince most other countries of its case. In particular, it has failed to establish any connection between Iraq and the terrorists. The British and US Governments are open to the criticism that, in concentrating on Iraq, they have taken their eye off the ball regarding the terrorists. The terrorists are a serious threat, and we should be combating them in every way.

**Helen Eadie:** Will the member take an intervention?

**Donald Gorrie:** No. Honestly, we have heard enough from Helen Eadie today.

The terrorists are a threat to us, but I and others do not see that Iraq is a threat to us. What is the threat of Iraq attacking us and going to war with us? That is simply not realistic.

There is concern that we built up Iraq in the past and created much of the problem. There is also the issue of the risk to peace in the middle east, which could be seriously fractured with huge consequences if an attack is made that is not accepted as a good action by Iraq's neighbours and the people in the middle east. We should be using our influence on Mr Bush to help to sort out the Palestine situation rather than going along with him in Iraq. There is also a suspicion that the US action is related to oil supply rather than to principle.

**Johann Lamont:** Will the member give way?

**The Deputy Presiding Officer (Mr Murray Tosh):** No, the member is in his last minute.

**Donald Gorrie:** It is clear to most people that unilateral action by the United States and the United Kingdom is not acceptable. We must stick to the rule of law. As members have said, the United Nations has failures; however, the argument that because it does not sort out Israel properly we should ignore it on Iraq is very foolish. The UN is the only organisation that we have, and we must stick to it.

Finally, members who stress the importance of the constitutional settlement and the existence of reserved issues should also stress the fact that Westminster must vote on a war before it happens. That is a clear part of the constitutional settlement. If a war is begun without that, it will be a serious affront to democracy.

11:09

**Fiona Hyslop (Lothians) (SNP):** It is now 16 months since the atrocity of 11 September 2001, the subsequent military action in Afghanistan and the launch by the US and UK Governments of a war against terrorism. I shall focus on international terrorism, because people have doubts about how we deal with that.

International terrorism knows no state boundaries. It is a 21<sup>st</sup> century, worldwide concern, so why are we fighting back by concentrating on deploying 20<sup>th</sup> century nation-state solutions? At what point, and for what reason that can be justified in international law, did the US and UK switch from a focus on al-Qa'ida and international terrorism to a path to a war that, if it is embarked upon, will lead to hundreds of thousands of civilian deaths?

Tony Blair has gone directly from A to C, but the public is not convinced that there is evidence that the leap from international terrorism to war on Iraq can be made.

Only this morning, Tony Blair was quoted as saying:

"I believe that it is only a matter of time before it"—

that is, Iraq—

"is linked with international terrorism."

He says that as of now there is no link. I agree with Tom McCabe that there must be time and there must be facts. As of now, however, there is no link and, if that is the case, Tony Blair cannot justify a military build-up that is juggernauting to war.

Only two days ago—and I talk about the momentum—Hans Blix expressed his concern. He said:

"There is a certain momentum in the ... build-up and that worries a great many people including myself."

I know that the Liberal Democrats in Westminster have expressed their concern about a drift to war.

The public are not convinced that there is a link with al-Qa'ida. If the UK and US Governments want to go to war for any other reason, they must comply with international law. The United Nations charter gives a member nation the right to respond to armed aggression with force, although evidence and justification must be presented. The struggle was meant to be one against terrorism. I can think of no other way of increasing international terrorism and the danger to Britain than to bomb Iraq.

**Pauline McNeill:** I am sure that Fiona Hyslop and many other members in the chamber are concerned about the loss of innocent lives in any war. Will she tell the chamber what her track record on international issues has been? What has it been on the lifting of sanctions against the Iraqi Government, which has starved and caused the death of many Iraqis? What contribution has her party made to the Palestinian process? As convener of the cross-party group on Palestine, I invite her to become active in that group.

**Fiona Hyslop:** I am sure that the member will be happy to note that my next comment was going to be that, if the purpose is the pursuit of peace, then the road to peace must go through Israel and Palestine. There can be no peace until there is justice in Palestine.

It is fundamental that the rule of international law applies. Many serious concerns and doubts have been expressed about the United Nations. We know that there is hypocrisy and the arbitrary implementation of resolutions, but without it we would have nothing. We would have a world that we would not want to know.

Despite concerns that people may have, we need to remember that three of the five permanent members of the United Nations Security Council—China, Russia and France—issued a statement to the effect that resolution 1441 excluded the automatic use of force and that only the United Nations Security Council could authorise force as a riposte to the action or inaction of Iraq.

Let us be clear about the vote tonight—members will have a clear, polarised choice. A vote for Tom McCabe's amendment is a vote to simply record a matter of fact; that amendment does not include the key issue of a second resolution. A vote for the SNP motion is a vote that international law must prevail and a statement of the absolute imperative for a second resolution before any military action. Members must look to their consciences and their constituencies and ask whether their vote tonight will encourage or discourage Tony Blair from embarking on bilateral or unilateral action on a war in Iraq. Will members give succour to that position, or not?

Contrary to some views, the SNP did not lodge the motion to embarrass the Labour party. We

lodged the motion because we think that it is right to do so. It is right that we should speak out on the issue and that our democratic views are expressed. The people of Scotland did not vote for democracy only for it to be silenced. The vote tonight is important. Members must not let their silence on the issue give consent to a path to war that is not firmly grounded in international law.

11:13

**Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab):** I very much hope that there will not be a war in the middle east or anywhere else. I hope that we will all look for a 21<sup>st</sup> century that builds a future in peace and justice out of the debris left from the 20<sup>th</sup> century.

From speaking with our constituents and sharing their concerns and anxieties, it is clear that people across the country are keenly aware of the gravity of the world's situation and are deeply concerned about it. Many people are discussing the situation, some are debating it and others are demonstrating or may demonstrate. I know that many are praying and that many stand ready to serve. I know of no one, and certainly no one in my own party, who is calling for war, still less

"pursuing an inevitable path to war",

which is the allegation that John Swinney makes against the Government. That would be a disgraceful allegation at any time, but the offence is compounded when one considers the gravity of the international situation and the exhaustive efforts that are being made by better men than John Swinney in support of peace and security.

So: no scope for diplomacy and no effort for peace. It is all a charade. It is all a sham. There is no recognition of the weight of responsibility on those who have the terrible burden of looking service women and men in the face. John Swinney may say in his motion that the Government is

"pursuing an inevitable path to war"

but, in their consideration of the motion, people will notice that not a single church leader in the United Kingdom supports Mr Swinney in that charge.

Mr Swinney's claim is a disgraceful and unfounded libel. One might have hoped that it would have been departed from and recanted in the course of the debate, but instead it was reinforced. It will therefore not be a surprise that I will not support Mr Swinney. That is not on the basis of hiding behind some technicality or of looking for some legal loophole by which to escape, it is on the basis of the terms of the motion. When members consider how to vote, we must consider what John Swinney says in the motion.

**Mr Swinney:** Does Mr Fitzpatrick believe that there is a requirement for a second, specific United Nations Security Council resolution to authorise the use of military force in the current conflict? That point divides the motion from Mr McCabe's amendment.

**Brian Fitzpatrick:** We should not pretend that the issue is some kind of game. Serious issues are involved. [MEMBERS: "Yes or no?"] This is not a yes or no situation. Had the same position been taken in the case of Kosovo and had we waited for the Russians to agree to what we would do, what would have happened to the children of Kosovo? [Interruption.] SNP members may groan, but their constituents do not. People remember the seriousness of that issue.

**Ms MacDonald:** Will the member give way?

**Brian Fitzpatrick:** No, I am sorry, but I will have to make progress.

I seek not to hide behind some kind of technicality, but to speak about the constitution of the country. Tom McCabe made an important constitutional point and it should not be dismissed.

I agree that we can debate the issue and that we can choose to discuss the subject. The regrettable aspect of John Swinney's contribution was that we had to wait until George Reid spoke before the defect of John Swinney's not mentioning what members of the Scottish Parliament could properly do in respect of the matters that reside under our jurisdiction was remedied. That was a telling omission; one that shows where the real intent and purpose of Mr Swinney's motion lies.

11:18

**Kay Ullrich (West of Scotland) (SNP):** As was the case in the gulf war, the likelihood is that around one third of the front-line troops will be from Scottish regiments. As far as our citizens are concerned, we have to remember that it is those troops and their families who will bear the brunt of any war in Iraq.

As a military wife of many years standing, I am of course aware that going to war is the ultimate expectation of all military personnel. Our armed forces are entirely volunteer. Indeed, to put it in crude sergeant-major terms, they knew what they were getting into when they joined.

However, those men and women are also sons and daughters, husbands and wives and fathers and mothers. I agree that it is their duty to answer the call, but what if the call does not have the support of their fellow citizens? We need to imagine what it is like to put your life on the line in a war that is rejected by many of your friends and neighbours.

I can tell members what it is like because I have been in those circumstances. I was present when a young mother was told that her husband had been killed in action. Not for her the comfort of the condolences of a grateful nation. Not for her children the pride of having a father who died to help protect his country. It is dreadful for someone to lose someone close to them and to feel in their heart that it was a sacrifice made in a war that simply should never have happened.

I worked with family services on a United States Air Force base during the Vietnam war and I met bereaved families and men who came home having been wounded in action. Of course, the majority of people accepted the situation with the knowledge that they had done their duty well. However, many people experienced such feelings of bitterness and anger that they were unable to move on and accept their loss. At whom was that anger directed? At the politicians who had decided that there should be a war, who had not debated the issues with the people before committing their country to war and who, month after month, had wrung their hands at what was or was not an acceptable body count. Make no mistake: it is our military personnel and their families who will pay the blood price. We politicians had better be darned sure that we get the decision right.

There can be absolutely no question of unilateral action in Iraq. Any military action must have the backing of a specific resolution of the full United Nations Security Council that is based on clear and published evidence. There must be no bypassing of a UN decision. In short, there must be proof. To date, however, we have had no such proof. In the absence of proof, we cannot send young men and women into action for the spurious reasons that have been presented so far. I am a politician who does not want precious blood on my hands because of daddy's unfinished business. At the back of my mind there is a nagging doubt, caused by the fact that daddy Bush is Texan and we all know that in Texas the number 1 business is oil, oil and more oil.

11:22

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** Regardless of the constitutional niceties surrounding the staging of this debate, I take it as a valuable opportunity to express views that have been expressed to me and to my Westminster colleague, Michael Moore, at local meetings and surgeries and in correspondence. Since it was announced that this debate would take place, I have been contacted by letter, phone, fax and e-mail by constituents who are dismayed by the prospect of military action being taken against Iraq. My correspondents have included the student body of

Heriot-Watt University's Borders campus, local clergymen, neighbours, friends and former pupils, a group that holds vigils on the steps of a Peebles church demonstrating that a war against Iraq would not have their support and American citizens living in my constituency. Those voices should be heard and I think that it is appropriate that I can acknowledge and raise their concerns in this forum.

Some of the groups and individuals are implacably opposed to war in principle and would not support military action in any circumstance. Others, closer to my position, accept that there might be circumstances in which armed action in this area could be justified. The problem is that many of us feel that those circumstances have not yet been established and we remain to be convinced. I am a lover of peace, but I am not a pacifist. I do not like imperialism, but I am not anti-American. I simply do not think that the threat to peace that is posed by Saddam Hussein has been demonstrated clearly enough to justify the conflagration and the disastrous consequences that would result from military action on the scale that seems to be envisaged.

If we go to war, we must believe that the result of war would be better than the situation that existed before. I am not convinced that that is true in this case. As George Reid detailed in his powerful and impressive speech, a military campaign against Iraq would do massive injury to a civilian population that has already suffered cruelly. Casualties among our troops might be severe and, on a wide scale, the knock-on effects on security in the middle east would be incalculable. It is inevitable that anti-western feeling and further terrorist action by fundamentalist groups across the world would be engendered.

Before we take such a step, we must be convinced of the substantial nature of the threat from Saddam Hussein and the immediacy of that threat. We must be convinced that all alternative steps have been taken to confront and emasculate the threat. The weapons inspectors must be given time to complete their job and material breaches of the UN resolution, if found, must be clearly and unequivocally established and recognised by the UN. There must be a mandate for action from the UN and there should be a debate in the House of Commons in which the Prime Minister comes before the democratically elected representatives of the people of the UK to reinforce his democratic mandate to take us into war.

**Rhona Brankin:** If the member believes that the Scottish Parliament should be able to tell the House of Commons what to do, does he also believe that the House of Commons should be able to tell us what to do?



**Ian Jenkins:** I do not think that we should tell the House of Commons what to do. We should have an influence on its thinking and we should be able to express the views of our constituents in a democratic forum. I have indicated that I might not always support a debate on matters that are reserved to Westminster, but, in this case, I want to say what my constituents want me to say and what I believe myself.

Without the conditions that I have outlined being fulfilled, I would find it impossible to support military action. In the meantime, however, I cannot accept that war is inevitable. We must not cease trying to convince all concerned that a more peaceful way must be found.

11:27

**Bill Butler (Glasgow Anniesland) (Lab):** The pursuit of peace and the avoidance of war are the most serious of issues that a Parliament can debate. It is perfectly reasonable that this chamber should discuss Iraq and the delicate international situation in a temperate, reasoned and constructive fashion. Equally, we have to realise that our deliberations in Edinburgh today will not decide the matter of Iraq and related concerns. That burden lies with Westminster. I believe that a rational debate that avoids petty point scoring is essential. Only that sort of discussion will directly influence our Westminster counterparts whose grave responsibility it is to make such decisions.

I believe emphatically that there is only one way in which to deal with Iraq: rationally and diplomatically. As Jack Straw said in an article in the 18 November 2002 edition of the *New Statesman*, the point of UN resolution 1441 is to provide

“a pathway to a peaceful solution”.

I agree with my comrade the Foreign Secretary. I am certain that an intemperate approach that holds that unilateral military action is either desirable or inevitable will not succeed in lessening the threat of terror. On the contrary, it will heighten international tension and increase the possibility of terrorist attack. We must support the decision to send in UN weapons inspectors and cautiously welcome the Iraqi regime's acceptance of unrestricted access. Of course, that could all unravel, but we need to make the effort.

I take that view not because I am a pacifist—I am not one, although I genuinely respect those who are. I believe that, unfortunately, wars are sometimes inevitable and also that they are sometimes just. In support of that view, I cite the Spanish civil war, the war against fascism from 1939 to 1945 and the war waged by the African National Congress against the racist apartheid regime. Neither do I take the view that I am

outlining because I am naive or soft on terrorism—the opposite is the case. To propose military action to remove Saddam Hussein before exhausting the United Nations option would be disastrous. It would solidify support around the tyrant Saddam, lead to a rapid deterioration in the middle east situation, risk war and conflict spilling over into surrounding states, and act as a recruiting sergeant for terrorist organisations and a justification for their bloody actions. Unilateral action is not a means to secure regional stability. Rather, it would mean a lurch towards worldwide instability, not to mention the fact that thousands of civilians would be killed.

Of course, there is no guaranteed path to peace. Resolution 1441 provides part of a possible way forward. Nevertheless, there is more to the equation than resolution 1441. It is common knowledge that the UK Government has been pushing for the final status talks between Israel and the Palestinians to resume. I agree with the Foreign Secretary's call for a new focus on the unlawful settlements and his support for the message that they will have to be dismantled.

The plain fact is that in order to deal with terror, an even-handed approach must be shown in the application of UN resolutions. In particular, there must be progress on the implementation of UN resolution 242, which establishes the right of the state of Palestine to exist within secure, viable borders. Justice for Palestine is inextricably linked to peace and the end of terror. In my view, terror will not be ended by bombing Baghdad into dust.

I began my speech by advocating the rational, diplomatic course. I make no apology for doing so. The possibility of war means that the situation is too grave for us merely to indulge in the language of the dramatic and to employ simplistic, sweeping and, frankly, inaccurate phrases such as

“an inevitable path to war”.

In all sincerity, I say that that is an unfortunate phrase. Life and politics are not like that. It is more difficult, more complex and less certain. The Labour amendment recognises that complexity and the centrality of the middle east peace process to any lasting solution.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** Will the member give way?

**The Deputy Presiding Officer:** The member is finishing.

**Bill Butler:** On that basis, and at this stage, the Labour amendment is worthy of support.

**The Deputy Presiding Officer:** I call Colin Campbell to be followed by Elaine Smith.

11:32

**Colin Campbell (West of Scotland) (SNP):** I will talk about the "inevitable path to war". I understand that we all have varying opinions on how to interpret the facts and I hope that members will listen to my opinion.

In Germany, the 7<sup>th</sup> Armoured Brigade is awaiting chartered vessels to move its armour to the middle east. In that brigade are the Royal Scots Dragoon Guards and the Black Watch, which make up more than 30 per cent of the brigade. They are part of our concerns, as are all forces in all armies that are likely to be engaged in what may or may not happen. The Ark Royal, which is leaving today, is the flagship, as John Swinney said, for the largest task force to leave here since the Falklands. Of course, it is taking part in an exercise that was designed and laid down in November.

Reserves are being mobilised. An advert placed in *The Herald* on Monday by SaBRE—Supporting Britain's Reservists and Employers—stated:

"Now that Britain's armed forces are preparing for conflict, the mobilisation of members of the Reserve Forces ... will begin immediately."

More than 1,000 reservists have been mobilised in the United Kingdom. To put that into perspective, I note that by 9 January the United States had mobilised 56,695 reservists.

I understand that war cannot be launched on a whim. Preparation is necessary if one is moving to war. I also understand that war may not take place. It could all be mere sabre-rattling to back the diplomatic efforts to make Saddam conform. It could end without a shot but, equally, it might tempt Saddam into a Hitlerian *Götterdämmerung*, provoking conflict in the entire area.

Why do we state that there is an inevitability about that, which Brian Fitzpatrick finds so offensive? I do not think that there is a deliberate inevitability about it, but there could be an accidental inevitability about it as a result of the path that the United Kingdom is on. First, US and UK forces have patrolled the no-fly zones in northern and southern Iraq since 1999, and have retaliated when Iraqi radar has locked on to them. Since January, 80 sorties have been flown in the southern no-fly zone to bomb missile sites and command-and-control centres. Retired United States Air Force Colonel John Warden, a key 1991 gulf war air planner, said:

"Anything that would need to be knocked out that is knocked out now saves some sorties once the war starts".

Secondly, the rhetoric is far from empty. On Tuesday, President Bush said that he was

"sick and tired of games and deception"

by Saddam Hussein. Are not we all? President Bush told reporters at the start of his meeting with

the Polish President, "Time is running out." His State Department spokesperson Richard Boucher said:

"I think it's obvious from the military deployments, and obvious from the President's own statements, that he's prepared to go the alternate course".

Although we may think that the United States has infinite military resources, the US Army's key divisions are all there or on the way, so they cannot be rotated home if there is no swift resolution. They cannot be left to stagnate indefinitely in Kuwait and they cannot go back to the USA without a clear outcome, otherwise Mr Bush's tough image will be in shreds. There is also a limited weather window of opportunity in which a war can take place, and it will not be long before it closes.

Mr Bush has little room to manoeuvre in wanting an Iraqi regime change. He has boxed himself into a corner from which he cannot escape without political damage. Mr Blair shadows Mr Bush so closely that he, too, has little scope for manoeuvre. It is a measure of Mr Blair's closeness to Mr Bush that on Monday Mr Blair said that if what he described as "justified" military action were to be blocked by one member of the Security Council, he would be free to commit the United Kingdom to war. That is Mr Blair talking in Mr Bush's language, and duplicating Mr Bush's attitude to the United Nations. Mr Bush is in the driving seat and Mr Blair is in the rear passenger seat. Mr Bush is eager for a resolution at all costs, even at the cost of war.

The SNP motion being agreed to today may oblige Mr Blair to think again and may persuade him that the inspectors' evidence must be compelling and that he must abide by a fresh UN decision on the matter of war. The troops deserve that.

**The Presiding Officer (Sir David Steel):** I call Robin Harper, to be followed by Elaine Smith.

**Tommy Sheridan:** Elaine Smith had been called first, Presiding Officer.

**The Presiding Officer:** Is there a problem? I am calling Robin Harper.

**Robin Harper (Lothians) (Green):** No, there is not a problem, it is just a surprise.

**The Presiding Officer:** It is not compulsory, if you do not want to speak.

11:37

**Robin Harper (Lothians) (Green):** I very much want to speak.

I start by thanking Mike Russell for the introduction to his speech. It is very important for the people of Scotland to know how every party

stands on this incredibly important issue, and how people within those parties stand. I thank the Presiding Officer and his team for granting us the opportunity to have this debate.

I signed Tommy Sheridan's amendment because it is the best of the amendments that are before us, as it confronts resolutely the realities of the situation that faces us. We have an American Government that is pursuing its own policies on oil and using the United Nations and spurious excuses to drum up support for an attack on Iraq. One of the accusations against Saddam Hussein that is constantly repeated is that he has bombed and gassed his own people. I remind the chamber that, to our shame, the British Government was the first Government to bomb the Kurds and to plan to gas them, when it controlled the area after the first world war. We are not free of guilt in this area.

We may believe that the half century since the last great war of 1939 to 1945 has been a period of relative peace in the world. However, there have been more than 100 conflicts, in which more than 50 million people have died either directly as a result of the wars or because of starvation, disease and the appalling mines that have been left behind and which have destroyed people.

Donald Gorrie raised the Christian notion of a just war. In my party, there are many people who are pacifists. In fact, I suggest that there is a larger proportion in my party than in any other party in the chamber. I must put it to the Parliament that there are people who believe that they should follow the example that was set when the Christian religion developed in its first 300 years. People who converted to Christianity were advised to leave the Roman army and not to become magistrates in the Roman empire, in case they were placed in a position in which, under Roman law, they had to sentence someone to death.

Although there are church people and leaders of small churches who have spoken out against war as war, over the past century we have faced an endemic failure to employ negotiation, persuasion, communication and co-operation to prevent war and conflict throughout the world. The United Nations has failed us repeatedly in that respect. I suggest that that is because the small light that the concept of pacifism holds up to us—that war in itself is wrong—is not yet a guiding light. It is not yet regarded as a principle that we should move towards.

I am not a pacifist; I was brought up in a military family and I cannot yet move to that position. However, I must keep that guiding light in front of me. As Tommy Sheridan said, if we must have war, let us have war on poverty and inequality, not against people.

11:41

**Elaine Smith (Coatbridge and Chryston) (Lab):** Although the issue is ultimately a matter for Westminster, I welcome the opportunity to debate it, given that it has immense implications for the people of Scotland and for the Parliament.

Like other members, I am disappointed that some members are suggesting that we are on

"an inevitable path to war".

I do not want to be so defeatist at this stage. Every person in Britain has a responsibility to continue to do everything that they can to ensure that all diplomatic and peaceful avenues are examined and exhausted before engagement in military action is even considered.

**Michael Russell:** Although I respect the member's views, I want to refer to the actual wording of the motion, as it has been misunderstood by a number of members. The SNP is not saying that war is inevitable; it is saying that the UK Government is

"currently pursuing an inevitable path to war."

It is important to make that distinction.

**Elaine Smith:** I am afraid that I must differ with the member on the semantics of the word "inevitable".

I welcome the comments that the Prime Minister made on Monday. He said that no speculative or arbitrary time frames were to be placed on the work that was being carried out by the UN weapons inspectors. I also want to voice my support for the British Government's recent conference with Palestinian officials to discuss reform in Palestine. I encourage the Government to continue to engage in such proactive and autonomous actions in the pursuit of peace.

**Mr Quinan:** Does the member agree that the fact that the Palestinian delegation was not allowed to travel to London makes it clear that the British Government is subservient to the Americans? The Americans had the power to instruct Israel to release the elected Palestinian representatives to allow them to attend that conference.

**Elaine Smith:** That was most regrettable, but the fact that the British Government held such a conference at all sent out an extremely strong message, which I welcome. The Palestinian issue is central to terrorism and the anti-western sentiments throughout the Arab world.

I hope that the debate will assist in informing the Government of the feeling in Scotland and that it will encourage people to make known their views to their representatives at Westminster. People will be able to express their opinions at an anti-war conference on Saturday 18 January and at a

march and rally to stop war on Iraq on Saturday 15 February. If they feel strongly about the issue, people can take part in those events.

I hope that all is not lost and that the potential war can be averted. However, I am not so naive as to have failed to notice the deployment of considerable military resources in the region, which indicates that conflict is a genuine possibility. Given that that is the case, I want to consider what such a war might mean for the Iraqi people. Previous atrocities have been mentioned, but let us assess what would be the implications for those people of a war now.

Forty-two per cent of the population of Iraq is made up of children under the age of 15. That amounts to 9.6 million children. UNICEF's 1996 report on the state of the world's children states:

"It is the singular characteristic of warfare in our time that children suffer most."

It is also known that about 90 per cent of those who are killed in modern wars are civilians. Ordinary people are rarely made aware of that fact.

In the past, those who have been killed and maimed have been given the dehumanising description of collateral damage. Of course there will be collateral damage when weapons include cluster bombs, land mines and daisy cutters, which kill people indiscriminately and in large numbers.

**The Presiding Officer:** The member must close now.

**Elaine Smith:** I thought that I had extra time for interventions. I apologise.

**The Presiding Officer:** I am sorry—we must be very strict.

**Elaine Smith:** I do not have time to mention how malnourished the Iraqi children are and how they would suffer in the event of a new war.

On its informative website, Operation Desert Rescue pointed out that, in 2002, the United Nations General Assembly passed a resolution entitled "A World Fit for Children", which pledged to

"protect children from the horrors of armed conflict".

Operation Desert Rescue asks the UN and all the Governments that are involved to announce how they intend to honour that pledge. I echo that call.

As I am not comfortable with the motion or with the amendments to it, I am not sure how I intend to vote on the issue. I will listen to the summing-up speeches.

11:46

**Ms Margo MacDonald (Lothians) (SNP):** I concur with Elaine Smith's final remarks. Although the debate has been excellent, its main interest has been that opposition to the SNP's motion began as outright objection to the Scottish Parliament discussing the matter at all. That opposition now appears to consist of taking exception to the final sentence of the SNP's motion. I suggest that, under standing orders, it might be possible to release some Labour party members from supporting an amendment with which they are not comfortable by having a textual amendment of the motion, even at this stage, given the importance of the matter that we are discussing.

Like all other members, I look to the UN to give a lead in relation to our conscience, our information and our knowledge and in setting down what will amount to international law. Under its charter, if the United Nations Security Council succeeds in getting nine votes for the position of the United States—it will be the United States that takes the lead in that body—that position will be recognised internationally as being legal. However, it will not necessarily be right.

We are determining the correct way in which we should proceed. We are considering how we can express opinion in Scotland in a consistent, decent and humane way. Once the issue moves into the hands of the Security Council, after Hans Blix has reported, we would be foolish to imagine that the same politicking that persuaded Russia to support resolution 1441 will not go on.

Since resolution 1441 was passed, the membership of the Security Council has changed. Angola, Chile, Germany, Pakistan and Spain have joined the Security Council. It is possible that Angola, Germany and Pakistan—never mind Chile—would find it difficult to support a resolution in the United Nations that created an international precedent for it to be legally correct to wage war on a state, rather than on a regime.

The Parliament has not answered the question whether the proposed military action is against the state of Iraq or against the regime of Saddam Hussein. Let us consider what would happen if the former were true. Let us assume that there is a war, that Saddam Hussein is deposed, that a popular president or leader of the country is elected in Iraq and that he decides to pursue the same sort of weapons policy that the independent state of Israel is pursuing. Would the United Nations feel that it could again move in to remove such an arsenal from Iraq? As we can see from North Korea today, the one does not necessarily follow the other.

If we do not exercise our own judgment on whether the decisions taken by the Security Council are correct, the result in the middle east will certainly be to spread and deepen the hatred of western countries that is already being expressed. Young Arabs, who simply want to be like young people all over the world, now refuse to buy American goods and tell their parents not to co-operate with American companies. That will soon extend to United Kingdom companies, because the United Kingdom is seen as an adjunct to America.

I have one final question, which I hope someone from the Labour benches will answer. Tom McCabe said that today was not the time for us to debate this matter. When would that time be?

11:51

**Lord James Douglas-Hamilton (Lothians) (Con):** I should mention that I previously served with the Territorial Army for just on 10 years. I am also an honorary air commodore with 603 City of Edinburgh squadron. I have had some military training, but that only brings home an awareness of the consequences of war. War should be entered into very much as a last resort.

When issues of potential life and death are being considered, there is no need to make party points. Our main consideration should be what is in the national interest. There is undoubtedly an extremely powerful national interest in seeing Iraq's weapons of mass destruction removed. That interest is not restricted to the western democracies.

There is not the slightest doubt that Saddam Hussein's regime has previously launched wars of aggression against Iran and Kuwait. He has used weapons of mass destruction against thousands of Kurdish civilians—men, women and children—in the town of Halabjah in his own country.

Our clear preference is that there should be a second United Nations resolution to authorise military action if Iraq does not comply with its UN obligations. That has been our position and it is our position today. We take our stand from the wording of UN resolution 1441, paragraph 13 of which states that the UN

"has repeatedly warned Iraq that it will face serious consequences as a result of its continued violations of its obligations."

Paragraph 2 states that the resolution is

"a final opportunity to comply with its disarmament obligations".

In our view, in the circumstances that there was conclusive evidence that the resolution had been breached and that one of the five permanent members of the Security Council chose to veto

follow-up action, the passing of resolution 1441 would give sufficient scope for the necessary disarming of the weapons of mass destruction.

**Robert Brown:** Assuming that those conditions were met, does Lord James take the view that Britain's decision should be taken by Mr Blair and his Cabinet or by resolution approved by the House of Commons?

**Lord James Douglas-Hamilton:** If the conditions of the resolution were met, there would not be grounds for military action. That is fundamental. Everyone accepts that.

**Robert Brown** *rose—*

**Lord James Douglas-Hamilton:** If the member meant to ask a different question, I would put to him the point made by Brian Fitzpatrick and John Home Robertson about Kosovo. Russia would have vetoed any action against Kosovo, but we know that the action saved many lives that would otherwise have been ethnically cleansed.

However, prudent military preparation should be accompanied by a much higher priority for the humanitarian consequences of military action if such action is found to be necessary. Putting contingency arrangements in place is very important.

The Prime Minister has said:

"It is a matter of time, unless we act and take a stand, before terrorism and weapons of mass destruction come together."

However, the Prime Minister should not take our cautious support as the signing of a blank cheque, which it certainly is not. Military action should be undertaken only as a last resort. It follows that conclusive evidence must be made available—John Swinney demanded "clear and compelling" evidence, but I say conclusive evidence—as to breaches of the resolution before military action could be sanctioned. I repeat that it remains our position that we would prefer a second UN resolution before such action.

I invite the Prime Minister not to underestimate the United Nations, which is as powerful as its members allow it to be. He might usefully reflect on the words of Tennyson's "Locksley Hall":

"Till the war-drum throb'd no longer, and the battle-flags  
were furled  
In the Parliament of man, the Federation of the world.

There the common sense of most shall hold a fretful  
realm in awe,  
And the kindly earth shall slumber, lapt in universal law."

**The Presiding Officer:** Winding up speeches should begin now, but as four members still wish to speak, each will be given three minutes. That means that the suspension of this sitting will take place nearer a quarter to 1 than half-past 12.

11:55

**Linda Fabiani (Central Scotland) (SNP):** There has been much comment this morning on whether the Parliament should be discussing war against Iraq. My colleagues and I certainly wish that we did not have to do so. We wish that there was no threat of war on the horizon, but that threat exists. We must therefore discuss the issue because we owe it to everyone in this country who is seriously concerned about the situation. People see our nation being swept into a war without the backing of international agreement or of firm evidence that war is the required last resort.

George Reid highlighted the effect that war against Iraq would have on the Iraqi people and on the infrastructure of that country. It is worth noting and reminding ourselves of the current state of that country and the effect of the sanctions that were first imposed back in 1990. Sanctions have been in place for more than 12 years, but it is apparent that they have failed to achieve what they set out to do, which was to secure peace in the region. The sanctions have had an effect; for example, they have ensured that Iraq's health care system has broken down. They have ensured that Iraq has had no chlorine for its water supplies for many years. They have ensured that Iraq now has one of the highest infant mortality rates on the planet—the rate has doubled over the past 10 years—and that one quarter of all Iraqi children are underweight while one fifth are malnourished.

That is the state of the country with which we might end up at war. It is a country in which, UNICEF estimates, 250 people die every day. In 1996, it was reported that 4,500 children under the age of five die each month from hunger and disease in Iraq. The people also have to face the effect of depleted uranium. That is the state of the country that we are in danger of combating, with neither published and compelling clear evidence, nor a specific UN mandate.

Some people in Iraq would say that we are already at war. Those who live within the no-fly zones have seen their friends and families killed by western bombs. The USA and the UK say that UN resolution 688 allows them to enforce the no-fly zones, but it does not, which was confirmed in 1992 by the then UN Secretary-General. Similarly, the resolution that is currently on the table—resolution 1441—provides no automatic right to take military action.

Reuters news agency reports that seven bombing raids have been carried out against Iraq already this month. Although we are told that no final decision has been taken about the war, American and British bombing of Iraq has increased by some 300 per cent, according to commentators. The *Washington Post* reports that, back in August, Secretary Rumsfeld ordered that

the target list be widened. According to answers to parliamentary questions at Westminster, the Royal Air Force dropped more than 124 tonnes of bombs between March and November. What do we call that type of operation? It seems pretty warlike to me.

I agree with my party's motion that there is a "deep and serious concern" that we are

"currently pursuing an inevitable path to war."

We must try to block that inevitable path. Any decision further to escalate action must be taken properly through the United Nations Security Council in the form laid down in the SNP motion.

11:59

**Karen Gillon (Clydesdale) (Lab):** Talk of war is never an easy thing for many of my constituents who—having lived through at least one world war—know the cold reality of the situation. I respect them deeply and am indebted to them for the peace that we now enjoy.

Many of our military personnel have paid the ultimate price in conflicts throughout the world. Many innocent men, women and children have also paid that price; therefore, any decision to go to war is extremely serious and must not be used as a political football by anyone on any side. I have looked very closely at the motion and at the amendments. Because of the nature of today's debate, I will vote according to my conscience and not according to the name of the person who lodged the motion or amendment.

I am not a pacifist but I desire peace, as my colleague Ian Jenkins said he did. Although I do not agree with all that he or George Reid said, their thoughtful speeches were a credit to the Parliament, as was Bill Butler's.

I will not support the SNP's motion because I do not believe that

"Her Majesty's Government is currently pursuing an inevitable path to war."

I know that HMS Ark Royal has left Loch Long, but ships can change course and I pray to God that it will. I believe that our Prime Minister's actions have ensured that we are still operating within the UN framework. I accept that diplomacy and discussion contributed to the readmission of the weapons inspectors to Iraq, but so did the threat of military action.

The weapons inspectors are now in Iraq and they must be allowed to do their job. We know that Saddam Hussein has had weapons of mass destruction because he has used them against his people, but we need to find out from the weapons inspectors whether those weapons of mass destruction have been destroyed. I do not believe

that the January date that has been mentioned is a deadline; I hope that it is a staging post for further debate and discussion. However, I believe passionately that if Iraq fails to comply with UN resolution 1441, we should return to the Security Council for a further resolution.

I cannot support the Liberal Democrat amendment because if the UN makes the decision and we decide to commit troops, those troops will be going to risk their lives; I do not want to hand the banner of hope to the enemy and to put our troops' lives at greater risk by going back to the House of Commons for a debate. That has never happened before.

**Mrs Margaret Smith (Edinburgh West) (LD):** Will the member give way?

**The Presiding Officer:** The member is winding up.

**Karen Gillon:** People are risking their lives and we cannot be expected to put them in further jeopardy. We might not like it, but that is the constitutional situation in which we find ourselves. I hope and pray that we will not go to war, but that decision is in the hands of Saddam Hussein. It is for him to comply with the UN. I hope that he will do so.

12:02

**Dorothy-Grace Elder (Glasgow) (Ind):** I want to add to something that Karen Gillon said. The normal rules of engagement of war have been suspended—a country has to invade another before anyone should seriously consider going to war, but Iraq has not done that, no matter how bad Saddam is.

As a Glasgow MSP, I could not in conscience contribute to the drumbeats of war that are being stirred up in Westminster by those Dukes of Plaza-Toro who, as usual, will be 4,000 or 5,000 miles behind the front line. That is the same situation as in the first and second world wars, even if those wars are now looked back on as just wars.

The other month I was on a train when a 19-year-old man recognised me as being one of the MSPs who work in his area. He was going to Glencorse barracks, but he was not enlisting because he wanted war; rather, he was doing so because the Army would give him a home and he wanted to learn a trade. I saw him go off into the morning mist and I thought, "Aye—same as in the first and second world wars. Scots troops in first." Anyone who backs this war in any way should think of the young lads and women who might suffer.

A member referred to Zimbabwe, which is also run by a murderous dictator, but when rogue states do not have oil, America and Britain do not

think of attacking them and those rogue states' murderous dictators are allowed to continue to rule.

**Ben Wallace:** Will the member give way?

**Dorothy-Grace Elder:** No, I do not have enough time. The member has spoken already and will undoubtedly get another chance.

This is a phoney war that is being whipped up by President Bush, by the oil industry and by the arms traders. The situation is the same as has prevailed for decades.

To those who have said today that the issue is reserved and that the Scottish Parliament should not even be discussing it I say, "Feel free to send in Scottish troops. Feel free to make Scotland the most vulnerable country in the British islands by having all of Britain's weapons stored at Faslane and buried in Glen Douglas." I would like the UN inspectors to inspect Scotland after they have finished in Iraq. That is the only way that we in the Scottish Parliament will find out what is stored there, because we will not be told anything about that reserved issue.

The truth is that the vast majority of members of the Scottish Parliament are opposed to the war.

**Brian Fitzpatrick:** That is rubbish.

**Dorothy-Grace Elder:** If whipping was not being used, very few members would be standing to speak apart from Major Ben, Phil Gallie and, of course, Brian Fitzpatrick. That would be the true count if the whips were not out. They should not be out.

I am grateful that John Swinney has won today's debate, but a key question hovers over his motion, which is why I am backing Mr Sheridan's amendment. What will the SNP do if a second UN resolution is passed, perhaps after some heavy arm twisting? Will the SNP be prepared to back a war?

I will finish by repeating an old saw: war is caused when politics fail. We dare not fail.

12:06

**Mr Lloyd Quinan (West of Scotland) (SNP):** I want to say simply that we have to remember what war means. As George Reid pointed out, within the theatre of operations in Iraq, we are looking at possible casualties of at least half a million. That does not take into account the possible knock-on effect in the occupied territories of Palestine, where the current brutal military regime runs a state that has nuclear weapons and uses gas on its people—I was tear-gassed by the Israeli army—and where there will be further casualties. The Israelis will use the situation in Iraq to approve General Sharon's position, which is that the west

bank should be cleared of Palestinians and Jordan should accept refugees.

The United Kingdom of Great Britain and Northern Ireland has a shameful record of involvement in conflict during the 19<sup>th</sup> and 20<sup>th</sup> centuries. In the 19<sup>th</sup> century, there was not one month of any year during which a British soldier or a foreign civilian did not die in British military action. In the 20<sup>th</sup> century there was only one year—1968—when British servicemen did not die on active duty.

If we enter this war unilaterally, or bilaterally with the United States, we will reinforce the belief that ours is a country of hypocrisy and hypocrites. We took no action in Rwanda, Chile or Argentina, but we helped to provide both Chile and Argentina with the possibility of developing intercontinental ballistic missiles.

**Karen Gillon:** Will the member give way?

**Mr Quinan:** No, I will not.

The destabilisation that will occur because of a bilateral attack on Iraq will lead to more terrorist attacks. When people believe that they are not listened to, they take desperate action. We know that that is true from experience within the boundaries of the UK. There will be more such attacks.

I have said it many times before, but I will say it again: the passport in my hand is a badge of shame at the moment. Bilateral action against Iraq without the support of the UN Security Council makes this passport a mark of brutality. I urge members to support John Swinney's motion.

12:08

**Mr John McAllion (Dundee East) (Lab):** I begin by welcoming John Swinney's decision to lodge his motion and to make possible an excellent debate in the Parliament. In moving his motion, John Swinney spoke about the innate internationalism of the Scottish people, which is a source of pride to Scots of every political persuasion. In itself, I believe that that would have been justification enough for holding today's debate. We also have to be conscious of the fact that in 21<sup>st</sup> century Scotland, three different elected Parliaments co-exist in a multilayered democracy—the European, the United Kingdom and the Scottish Parliaments.

However, only one of those Parliaments is elected solely by the Scottish people, only one is answerable solely to the Scottish people, and only one speaks for the Scottish people and no one else. That is this Parliament.

At a time of grave international crisis when the peace and security of every nation is at risk, it is

not opportunist for Parliament to debate the crisis; rather, it is unthinkable for this Parliament to stay silent in the face of that crisis. It is important that that is said because, like many other members, I believe that the Parliament can have an influence if it stands up for its rights and makes clear its views on international issues.

There are two roads that I believe can lead to war against the people of Iraq. The first of those is reflected in the SNP motion and the Liberal Democrat amendment: that the US and UK Governments go back to the UN Security Council and are successful in persuading it to agree to a second resolution that would authorise an attack on Iraq. There is a real possibility that those Governments will be successful in achieving precisely that. That is not because there is incontrovertible evidence that Iraq is in material breach of Security Council resolution 1441 and presents a clear threat to other nations; it is purely for reasons of realpolitik—a share in Iraqi oil for some Security Council members after the attack, or a free hand for other members to sort out their alleged terrorist problems in Chechnya or Tibet, for example. Therefore, I could support neither the motion nor the Liberal Democrat amendment, which envisage a war that I believe to be unjustified.

The other possible road to war would involve the US and UK Governments going to the Security Council and failing to secure the second resolution that they seek. It is clear from what both President Bush and Prime Minister Blair have said that, under those circumstances, they would seek to use the new US doctrine that was first developed under President Clinton, and which has been greatly strengthened under President Bush. That doctrine says that the United States is free to take pre-emptive action against any country that it perceives to be a threat to its national security.

Unlike the motion and the Liberal Democrat amendment, the amendment in Tom McCabe's name studiously avoids dealing with the possibility that I have just described. Therefore, it leaves open the option for the US and UK Governments to take pre-emptive action on their own, without Security Council authorisation. If Tom McCabe's amendment were to be agreed to this afternoon and were to become the Parliament's position, the Parliament would be telling the British Prime Minister that we do not take a view on whether there should be a barrier to pre-emptive action. For that reason, I could not possibly support Tom McCabe's amendment. I thought that Bill Butler spoiled what was otherwise an excellent speech by saying that he would support that amendment.

I turn to the only amendment that is opposed unambiguously to any attack on the people of Iraq. That is the amendment that was lodged in the



name of Tommy Sheridan. The most important part of that amendment highlights the fact that there is no moral, humanitarian or military case for such an attack on the people of Iraq.

I will stick mainly to the humanitarian case against such a war. We are not dealing with the unknown; we already know what such a war is likely to entail, because we saw the first gulf war back in 1991. I remind members of the bunker in Baghdad where between 300 and 400 innocent women and children were incinerated by one of the United States' so-called smart bombs. I remind them of the turkey shoot on the road to Basra, when thousands of fleeing conscripts and foreign workers were slaughtered by unopposed American fire. I remind them of the two days before the final cease-fire of the gulf war, when thousands of Iraqi conscripts were buried—many of them buried alive—in their own trenches by American bulldozers. I remind them that, at the end of that war, even General Schwarzkopf reckoned that there were about 300,000 Iraqi military dead, while other sources said that there were 200,000 civilian dead.

That is what we are debating today. That is why there can be no justification for an attack against Iraq. The last time, Saddam Hussein was under a limited attack. This time, the attack would be unlimited—it would be about regime change. Saddam has everything to lose, but yet he has nothing to lose and because of that, he is infinitely more dangerous. There would be many more civilian casualties if we were to authorise a war, so I hope that the Parliament has the courage to support Tommy Sheridan's amendment and to send a clear message to the Government at Westminster that Scotland does not back the deaths of innocents in any part of the world.

12:14

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** I welcome the opportunity to sum up on behalf of the Liberal Democrats.

There is no doubt that a grave and serious international situation faces the United Kingdom. That fact has been highlighted by many members in this morning's debate. I reiterate that the Liberal Democrats take the clear view that no British forces should be committed to military action against Iraq without a debate in the House of Commons and before a substantive motion in favour of such action has been carried. Military action of whatever kind cannot be entered into lightly and must be contemplated only as a last resort, when all other options have failed. Although it is clear that under our constitution the Prime Minister has the authority to commit our military forces without consulting the UK Parliament, Liberal Democrat members believe that it would

be both sensible and appropriate in this case for him to consult the House of Commons first.

Except in the most dire circumstances, when failure to take immediate action would imperil the security of the country, the United Kingdom Government must at all times act through the international framework of the Security Council of the United Nations. It is for the Security Council—not individual member states, no matter how powerful or influential they are—to decide whether Iraq is in material breach of UN resolutions. That is what is called the rule of international law.

Charles Kennedy has called on the Prime Minister to make it clear that he will not launch a military attack on Iraq without a clear mandate from the United Nations and approval from the House of Commons. We reiterate that call today.

**Helen Eadie:** International law sets out very clearly the circumstances in which a country may go to war. First, it may go to war in self-defence. Secondly, it may do so on humanitarian grounds. Will the member comment on that?

**Mr Rumbles:** Helen Eadie has just read out the question that she rehearsed earlier, rather than listen to what I said. I repeat that, except in the direst circumstances, when failure to take immediate action would imperil the security of the country, the United Kingdom Government should act through the UN Security Council. If British troops are committed to an attack on Iraq without the clear authorisation of the UN and approval from MPs, the whole system of international law will break down and we will be left with the law of the jungle.

I want now to comment on three or four of the speeches that have been made, beginning with Tom McCabe's. Unfortunately, Tom was not quite correct to say that this Parliament does not have the power to influence events. I think that he meant to say that this Parliament does not have authority over defence, which belongs to the House of Commons. However, this is an important debate, especially because the House of Commons has not had an opportunity to express itself on the matter. We can influence events, and it is entirely appropriate that we should do so by our debate today—that is what this is about.

Phil Gallie took an authoritarian approach when examining the Prime Minister's powers in this area. As I thought through what he was saying, I wondered what had happened to the duty of the Opposition to hold the Government to account. Also, Phil Gallie's amendment is somewhat premature. As someone who served as a soldier for 15 years and who is currently a member of the regular Army reserve, I would be the first to ask all members to give their united support to our troops, if they were engaging an enemy on our behalf.

However, we have not yet reached that point, thank God.

George Reid gave a powerful speech from the SNP benches in which he outlined the disaster of war for the innocent people of Iraq. He concluded that unilateral military action now would not meet the criteria for a just war.

From the Labour benches, Bill Butler—with whom I do not normally agree whole-heartedly—gave a powerful speech that was full of common sense. I congratulate him on that.

**Pauline McNeill:** I do not want the Liberal party to misrepresent the views of Labour members, who say clearly that the matter should be debated. What is the principled position of the Liberal Democrats on the war? Do they believe that a UN mandate is required for military action, or are they opposed to the war per se?

**Mr Rumbles:** I thought that I had made our position clear. Ming Campbell has done so, Charles Kennedy has done so in the House of Commons, and I am now doing so on behalf of the Liberal Democrats. We need a clear mandate from the United Nations. We need a clear debate on the matter where it should be debated, which is in the House of Commons. If we are to have the support of the British people, there must be a clear vote on a substantive motion in the House of Commons.

I am conscious of the time, so I turn to the amendment in Tom McCabe's name, which we cannot support, because it lacks an explicit call for a UN mandate and does not refer to the necessary consultation of the House of Commons. We cannot, however, support the motion unamended because we do not believe that the Government is "pursuing an inevitable path to war."

That is the whole point of debates such as this. War is not inevitable. It is up to all members to send a clear message to the UK Government from the people of Scotland.

**Ms MacDonald:** Will the member give way?

**Mr Rumbles:** No, I am concluding. We must work within the framework of international law. We must work through the United Nations and the UK Parliament must be consulted, before we take military action in Iraq. Tavish Scott's amendment is identical to that which was tabled in the House of Commons back on 25 November and which was, I have to say, supported by 32 MPs. If we vote for Tavish Scott's amendment to the motion we will send that message clearly and forcefully.

**Fiona Hyslop:** On a point of order, Presiding Officer. Is it possible for you to give guidance on what amendments are likely to be voted on during the course of the afternoon? If the SNP motion is defeated and Tom McCabe's amendment is

agreed to, would the Liberal Democrats' amendment fall?

**The Deputy Presiding Officer (Mr Murray Tosh):** I am sure that the member must be absolutely clear about that, because the taking of votes on amendments is now very well established. The first vote will be on the amendment to the amendment. The second vote will be on the amendment by Tom McCabe. If that amendment is agreed to, that is the substantive matter resolved and the other amendment is pre-empted. I think that that is quite clear.

**Robert Brown:** On a point of order, Presiding Officer. With the greatest respect, this is not an ordinary debate. This is a debate in which there are a number of distinct options; members might prefer one amendment to another. It would be an unacceptable erosion of the power of the Parliament if votes were to be taken at the end of the day in the fashion that you have outlined. I seriously urge the Presiding Officers to reconsider the issue.

**The Deputy Presiding Officer:** The Presiding Officers are bound by the standing orders, which are approved by the Parliament. It is not possible for the Presiding Officers to erode unilaterally and arbitrarily the standing orders that the Parliament has put in place.

**Michael Russell:** On a point of order, Presiding Officer. There is no doubt that you are 100 per cent correct about that, but there is a possibility of the Presiding Officers' accepting a manuscript amendment to the Liberal Democrats' amendment, which would still allow it to be taken. I think that a manuscript amendment of only a single word would be required to allow the amendment to be taken. Surely, on the point that Robert Brown has raised, and given the gravity of the situation, it would be within the competence of the Presiding Officer to accept that very small manuscript amendment.

**The Deputy Presiding Officer:** As Mr Russell is aware, the Presiding Officer does not rule on hypothetical points of order and, as things stand, that is a hypothetical point of order. I would like to move the debate on now.

**Tommy Sheridan:** On a further point of order, Presiding Officer. I appreciate that you cannot rule on hypothetical motions, but you have in the past, as have your colleagues, talked about the spirit of the Parliament, of which you are the main custodians. In that vein, do you agree to consider allowing the mechanism to be in place that would allow each amendment to be voted on? It would be completely and utterly against the spirit of the Parliament if they were not voted on and if a procedure was used to ensure that the very strongly held views of members were not allowed to be expressed.

**The Deputy Presiding Officer:** I have to say that the expression “a procedure was used” is very difficult to accept. The procedure is set out in the standing orders. Amendments are pre-empted routinely in the chamber and it is a matter for members who lodge amendments to do so in such a manner as will secure them a vote. The responsibility for that lay with the mover of each amendment in this debate.

**Robin Harper:** On a point of order, Presiding Officer. May I propose a suspension of the standing orders at 5 o'clock this afternoon?

**The Deputy Presiding Officer:** I suggest that you propose that at 5 o'clock.

**The Deputy Minister for Parliamentary Business (Euan Robson):** On a point of order, Presiding Officer. I think that I heard you say that these matters are addressed in the standing orders. My understanding is that they could be dealt with by the conventions and practices of Parliament. Perhaps it would be sensible to review the situation in the next few hours before decision time. I seek the Presiding Officer's assurance on that.

**The Deputy Presiding Officer:** My understanding is that the order in which amendments are taken is a matter for standing orders, but since the point has been raised, it would be discourteous and unwise of me not to have the matter clarified before decision time this afternoon.

**Robert Brown:** On a further point of order, Presiding Officer. I should like to pursue the question of the way in which amendments are dealt with. I understand the logic by which one amendment defeats another because of a difference in view. In this instance, however, there are a number of nuances in the different amendments; agreement to one amendment does not automatically or logically rule out other amendments, whether they have been lodged by the Liberal Democrats or Tommy Sheridan. On this particular and important issue, the Parliament should be able to express a view that has unanimous support, having been through the proper procedures and having exhausted all the possibilities.

**The Deputy Presiding Officer:** I understand the member's point of view. I am not entitled to rule on points of view, only on the interpretation of standing orders. I have undertaken for the matter that was raised by Mr Robson to be considered. If there is anything further to report, the Presiding Officer will do so at 5 o'clock.

**Alex Neil (Central Scotland) (SNP):** I should like to request that, in seeking clarification, the Presiding Officers establish why it is necessary to accept the McCabe amendment, instead of the

Liberal Democrat amendment. What are the criteria for selecting amendments?

**The Deputy Presiding Officer:** This matter has been one for the Presiding Officer in the past and is not something on which I feel entitled to rule from the chair. I suggest that you raise the matter with the Presiding Officer at 5 o'clock, although you might very well find that he will feel that it is inappropriate to respond.

12:27

**Ben Wallace (North-East Scotland) (Con):** I begin by declaring my interest as an active military reservist in the Army.

As the only member in the chamber to have been a combat soldier, it falls to me to sum up on behalf of the Conservative party. As a unionist, my position is that the Parliament does not have competence over foreign policy—

**Mr Rumbles:** Will the member give way?

**Ben Wallace:** No. I am afraid that being in the education corps has never qualified as a combative front-line job. Firing chalk in anger is not quite the same thing. I shall press on with my speech.

**Mr Rumbles:** As a junior officer—

**Ben Wallace:** No, no.

Of course, it is natural for me as a unionist to say that the Parliament—

**Kay Ullrich:** Mr Rumbles outranks Ben Wallace.

**The Deputy Presiding Officer:** Order.

**Ben Wallace:** I never listened to my bosses, I have to say.

As unionists, we recognise that the Parliament does not have any competence over foreign policy or defence. Every time that the Parliament echoes what the 72 Scottish MPs at Westminster say, it only undermines public opinion in Scotland, where people think that perhaps our priorities are wrong and that we should be getting on with issues such as health and education.

**Alasdair Morgan** *rose*—

**Mr Quinan** *rose*—

**Ben Wallace:** I will come to the loonies in a minute.

**The Deputy Presiding Officer:** Order. Mr Wallace, that is not an appropriate term to use about other members in this chamber.

**Ben Wallace:** Nevertheless, we are forced to respond to the ridiculous and loony motion and amendment from the SNP and the Scottish Socialist Party.

**Tommy Sheridan:** On a point of order, Presiding Officer. I ask that you make your comments a little firmer. The member should be asked to withdraw his reference to "loonies".

**The Deputy Presiding Officer:** I think that the member implicitly did so by applying the word to the motion and amendment, although I am still contemplating whether that was appropriate. Better words could be used and I think that it is unnecessary to provoke members in such a way.

**Ben Wallace:** I take your guidance, Presiding Officer.

Nevertheless, we are forced to respond to the ridiculous motion and amendment from the SNP and the SSP.

The collective military experience within the SNP and the SSP is probably no greater than that within the girl guides, and their actual experience of combat probably comes down to watching "Braveheart".

Let us consider the motion and the amendments. Mr Swinney—*[Interruption.]*

**The Deputy Presiding Officer:** Order.

**Ben Wallace:** Mr Swinney's motion sets great store by the legal opinion of Matrix Chambers, the lawyers for the Campaign for Nuclear Disarmament. According to the lawyers' interpretation of the UN resolution, the UK needs another UN Security Council resolution in order to use force. Could that be the same legal team that advised protestors that it was legal to inflict criminal damage on Faslane, only to have that advice thrown out at the High Court? I would not set much store by that legal advice.

The SNP plays dangerous games with so-called legal opinions and the right to debate. In reality, the SNP misleads the public by telling them that there is some higher level of appeal beyond the UK Parliament and Her Majesty's Government. Perhaps that is the SNP's point.

Let us look back at the SNP's defence and foreign policy, which is where we discover what is really behind its motion. The SNP is the party that wanted to pull out of NATO when the Soviet Union was bearing down on us. It is the party that wants to pull out of the UK and collective defence. It wanted to pull out of taking action on Serbia. The SNP is becoming the pull-out party.

Who can forget Colonel Stuart Crawford, one of the SNP's defence advisers and a candidate in 1999?

**Tricia Marwick:** On a point of order, Presiding Officer. Can you remind the member that he should be talking about the terms of the motion and the amendments and that he is straying far from those terms?

**The Deputy Presiding Officer:** That is not really a point of order. This morning there have been lots of wide references, on lots of different issues, that were not necessarily addressed directly to the motion and amendments.

**Ben Wallace:** I am merely trying to point out the motive behind the SNP's motion. It is therefore important that we examine the many contradictions in foreign policy and defence. The situation in Iraq sums up the SNP's position well.

Mr Swinney is opposed to military build-up. We have every right to prepare and train our soldiers to ensure that, if conflict comes, we are in the best position and are best prepared. To gamble with that and to deny that right would result only in more casualties and deaths of Scottish soldiers should action be taken. We must prepare and be trained at all times for all defence throughout the world.

I resent Dorothy-Grace Elder's allegation that I and a few others in the chamber want war. Unlike Dorothy-Grace Elder, I have seen war. I have been there and I have witnessed it and I do not want war. Unlike her, as a reservist I have something to lose. I could be deployed next week or the week after and I want to ensure that any action is well thought out.

**Dorothy-Grace Elder:** Will the member give way?

**Ben Wallace:** No, I will not give way; I have only a minute and half in which to finish.

**Dorothy-Grace Elder:** On a point of order, Presiding Officer. Like many members of Scottish society, I have had part of two generations of my family wiped out by war. I take the member's comment as an insult.

**The Deputy Presiding Officer:** That is not a point of order. Members must not abuse the point-of-order procedure to make interventions.

**Ben Wallace:** Mr Sheridan's amendment for the SSP proposes civil disobedience. Let us remember that civil disobedience in Iraq does not get anyone very far. In fact, many people who try to express their freedom and their opposition to the current regime in Iraq do not last for long.

**Tommy Sheridan:** I do not want to hear the member in silence because I want to reply to him. The member is absolutely right: civil disobedience is not allowed in Iraq, so why did his Government supply Iraq with arms of mass destruction?

**Ben Wallace:** I do not think that we have the time to go into that question.

**Mr Swinney:** That says it all.

**The Deputy Presiding Officer:** Order, Mr Swinney.

**Ben Wallace:** I will not take lectures from the party whose military adviser proposed chemical weapons to replace Trident.

Mr Sheridan's speech discredits the UN. He said that the UN is open to bribes and counts for nothing. In other words, he is saying that he is in favour of unilateral action because he does not believe that the UN resolution is worth the paper that it is printed on. I do, and I hope that we can build consensus to prevent war. That will not get in the way of protecting British interests and putting them first. Perhaps that is behind the SNP's motion—it does not like the fact that the decision will be made by the UK Parliament and not by the Scottish National Party.

We have heard the conspiracy theory about Iraq's oil.

**The Deputy Presiding Officer:** It is time to wind up, Mr Wallace.

**Ben Wallace:** Sierra Leone, Kosovo, Serbia and Bosnia do not have oil, but we went to war to try to protect their people. That conspiracy theory falls flat on its face.

Let us remember the sanctions argument. The members who say that sanctions hurt the poor people who live under those regimes are the very same people who condemned Margaret Thatcher's Government in the 1980s for not imposing sanctions on South Africa. Perhaps they should consider the arguments that were made by Margaret Thatcher then, which said that sanctions would hurt only the poor. Let us remember that there are double standards on all sides of the chamber.

**The Deputy Presiding Officer:** Mr Wallace, I have allowed for the disruption of your speech by points of order, but you must begin to close.

**Ben Wallace:** I do not want war and nor does my party. My party wants to build a consensus in the United Nations, but we will not put that before British interests. We believe that members of Her Majesty's Government in Westminster are the right people to make that decision, and we will continue to back Her Majesty's Government on that issue as long as it answers the questions and continues to try to persuade the public.

12:35

**Johann Lamont (Glasgow Pollok) (Lab):** I am privileged to sum up on behalf of the Labour party, and I confirm on behalf of members of my party that we are anxious for the Presiding Officer to deal with the question of which amendments will be voted on. It is important that we have the opportunity to express our views clearly on the amendments that have been lodged.

No one in the chamber underestimates the seriousness of the position that our world is in or the hard issues that we are all confronting. I recognise that, across the chamber and far beyond it, people are debating and wrestling with all the elements of concern that make the situation so difficult. In a world where we all want certainty and straightforward answers, we are confirmed when we consider the current situation in the view that there are no easy answers or quick fixes. I find myself troubled by the degree of certainty that some people have expressed on the motives of other people in relation to those matters.

It is almost impossible to encapsulate in one motion the conflicting feelings and views that we all have on the matter. My view of the Liberal amendment is that it is far too prescriptive in setting down in clear detail what should happen in a very difficult and fluid situation.

I will deal with the constitutional issue, because that is important. Our constitutional settlement is one in which power is shared. In the Labour party, like everywhere else, I have sat on committees and been in places where we have had debates, and everyone has thought that where they are is the most important place and that everything that matters must therefore be debated in that place. The reality of power sharing is that we must accept that some debates are for some places and that other debates are for other places. It is important to understand that and not to hide behind the constitutional argument. We should not accept the nationalists' view that only this chamber can speak for Scotland on everything to do with Scotland.

We cannot create the impression that, unless we have a debate, the people of Scotland will not have a voice. The SNP may wish to retreat from Westminster, but we do not. I have to say frankly to John McAllion that his argument is an argument for independence and not for a devolved settlement. It is in the interests of nationalists to argue that this Parliament is the only place where Scotland's voice is heard, but we know that there is a significant reproach to that argument. If one listens to the voices on all sides of the debate at Westminster—whether it is Tam Dalyell or George Galloway, Helen Liddell or John Reid—one cannot say that Scotland's representatives are not being heard.

I may wish to ask, "Where are the SNP voices in Westminster, arguing for Scotland?" I have to tell George Reid that, in a contribution that was thoughtful, serious and challenging, I found offensive the suggestion that only we can act as the conscience of Scotland. Westminster is where the decision will be taken and where decisions will be interrogated. I have confidence that those who represent Scotland will ensure that that interrogation takes place.

**Robert Brown:** Is Johann Lamont seriously suggesting that, if there is to be no House of Commons debate and vote on the issue, Westminster, as opposed to Whitehall, is in fact taking the decision?

**Johann Lamont:** I have spoken to my colleague in Westminster about the matter and I understand that Westminster MPs are in the position to make that decision. Any such decision is obviously so serious that the place where the decision is taken is where the decision must be interrogated. My colleague told me that, if demand for a debate would actually put our forces under threat, a decision would obviously have to be considered.

If the SNP had been serious about seeking a serious debate, it would have chosen words that would allow members to reflect on the issues and support it. The SNP's motion is gratuitous in its assertion that the Westminster Government is driving an inevitable path to war. Donald Gorrie's argument that we should act only if we are under threat would preclude taking action on a humanitarian basis; indeed, one of the most serious criticisms of American Governments through the ages has been their willingness to act only in their own interests.

In Britain and Scotland, there is a long and honourable tradition of pacifism. I respect that tradition and understand that many people in this country do not believe that war is ever justifiable. However, I do not agree with them. In certain circumstances, military action is necessary. It is not comfortable to believe that, but if I was ever in doubt about that belief, the upheavals in central Europe in the 1990s confirmed it.

A criticism that has been made of the American Government is that its motives are cynical. We are told that if it had been serious, it would have dealt with Saddam Hussein last time. During the gulf war, I remember arguing hard against military intervention, as sanctions had not been given time to have effect. Later, I was struck by a contradiction in my position in that, once the forces were there, we condemned the fact that Saddam Hussein was not acted against. We must be honest about our positions and reflect on their consequences.

John Swinney would not acknowledge that the threat of force got the UN inspectors into Iraq. There is a serious lesson in respect of North Korea—it is much more difficult to deal with a country when it has nuclear capacity.

For those who accept that military intervention can be justified, we need to ensure that the case is made and that no alternative is possible.

**Ms MacDonald:** I respect the member's position, but I am unsure about what she would consider to be a just war. What rationale must

there be before she would consider a war to be just?

**Johann Lamont:** That is such a serious question that it is impossible to answer it in 30 seconds. However, I will try to encapsulate my position in one sentence. I think that what happened in Kosovo was justified.

The issue that we are debating is serious and troubling. We must be honest and recognise that much of the outcome hinges on the UN. I recognise the important role of the UN. The UN is not perfect, but we have a responsibility to bolster and uphold the role of our international institutions, which are our best hope. The Government has made a clear-cut commitment to work through the UN and has worked hard to hold the US to doing so. If members were honest with themselves, they would have to ask themselves whether we ever thought that an American Government would be willing to work through the UN after 11 September.

Those who attack the Government as unwilling to go through the UN reserve their position should a second resolution at the UN be passed. Tommy Sheridan's amendment is explicit on that matter, whereas John Swinney is at best equivocal.

I welcome the Government's action on international issues, not just in respect of Iraq, and welcome its commitment to dealing with the international situation, particularly in the middle east. The Government is also addressing issues relating to third-world debt. I welcome its commitment to international development and to discussion and dialogue throughout the international community. I know that my Labour colleagues in Westminster who are charged with the responsibility of speaking on behalf of Scotland will put Scotland's case. Our people have the right to campaign and argue for positions in which they believe and our Labour colleagues and other colleagues in Westminster are responsible for taking serious decisions at the appropriate time.

12:44

**Roseanna Cunningham (Perth) (SNP):** This has been rather a mixed debate. Some MSPs have risen to the occasion, but some have stooped to their usual standard—then there was Ben Wallace. It is just as well that David McLetchie and Annabel Goldie were absent for Ben Wallace's speech, as they would have been red-faced with embarrassment. If I thought that Ben Wallace was in any way representative of the Army, I would be in despair, but luckily, I know that he is not. Labour members should be concerned that he will vote for the Labour amendment.

The Labour stance, as expressed by the party's spokespeople this morning, is astonishing. They

have said that the matter can be debated in the pubs, living rooms, churches and cafes of Scotland but that the one gathering that should not have the debate is the Scottish Parliament. That is barely credible. The Scottish Parliament is nothing if it is not the voice of the Scottish people. That does not mean to say that it is the only voice, but it is the voice of the Scottish people. Labour's position today, as articulated by Tom McCabe and some others, does him and his party no favours.

There have been honourable exceptions. I note in particular the contributions made by Elaine Smith, and by Bill Butler, who made an admirable speech. In effect, his was a speech against the Labour position, even if he is voting for it, and it must be commended. However, other Labour members—the usual suspects—have lined up to whinge about the SNP making this poor old Parliament debate matters over which it has no control. What on earth are they afraid of? The Scottish people want the Scottish Parliament to debate the matter. The SNP believes that it is to the Scottish people that members of this Parliament owe allegiance—our oaths made that clear in 1999. I strongly believe that, individually and collectively, we cannot absolve ourselves of moral responsibility. In that regard, I commend George Reid's speech.

We know from polling evidence that the people of Scotland want this debate and they want it to take place in Scotland. The vast majority are opposed to Britain and America acting alone and 68 per cent of the people of Scotland believe that Westminster should consult the Scottish Parliament before launching an attack on Iraq. Fat chance—Blair is not even going to consult the House of Commons, much less the Scottish Parliament. That is, unfortunately, what Johann Lamont and her colleagues have to accept. I wish that my Westminster colleagues had had the opportunity to vote on the matter at Westminster, but thus far they have not. So much for democracy. However, that is all the more reason for us to tell Blair what we and the Scottish people think about the prospects of war against Iraq and, in particular, about military action being taken without further reference to the United Nations.

**Karen Gillon:** Will Roseanna Cunningham take an intervention?

**Roseanna Cunningham:** No.

It is a pity that Tony Blair could not turn up today, given that he is in Scotland, to hear the debate for himself.

Like all other members, I have had e-mails about today's debate. One constituent, who put it very well, stated:

"I think the most frustrating thing is a feeling of disenfranchisement, a feeling that decisions have been

made and there is nothing that can be done and that the views of the electorate are being dismissed and ignored. I hope the Scottish Parliament backs Mr Swinney's motion and at least we may have had some voice against the Government's seemingly 'inevitable path to war'."

Scotland's voice must be heard in this important international debate.

**Karen Gillon:** Will the member take an intervention?

**Roseanna Cunningham:** No.

**Karen Gillon:** Am I not good enough?

**Roseanna Cunningham:** If the member wishes to take that view, she can.

As Tony Blair is in town this morning, what better way could there be to ensure that he hears Scotland's voice?

It seems likely that the Royal Scots Dragoon Guards, the 1<sup>st</sup> Black Watch armoured infantry, HMS Argyll and other Clyde-based ships, as well as military aircraft from RAF Lossiemouth, will all be involved if an attack on Iraq is ordered. If Scotland's troops are to be involved in a war, we—as Scotland's Parliament—must assert a position and we must be confident that the war is legal and just.

Things in the United States are not as members might think. Polling in America has found that although the Bush Administration, with Blair as back-up, continues to assert that it could act without additional UN approval, the American people are less convinced. Let us not be conned into thinking that caution will let down America. It may let down Bush, but that is not the same thing and we should not confuse the two.

I say to one or two of the Labour members who have spoken that a litany of religious anxiety has been expressed about what is currently happening and to pretend that such anxiety does not exist is to fly in the face of what everybody knows is the reality.

I turn to an issue that has caused much concern this morning. Despite the opposition that a great many people throughout the country, including various church leaders, have expressed, there is an undeniable military build-up, the scale and manner of which puts us on an inevitable path to war. There has been much comment about the word "inevitable". To use an analogy, if one sets out on a road with no exits, reaching the road's destination is inevitable, unless one comes to a grinding halt or hacks out a new road. I can hope, but right now, neither of those options seems to be on the mind of Blair or Bush.

The clear message is that it does not matter what the UN weapons inspectors find because Bush knows that Saddam deserves a kicking and

Tony is going to help him do it. That macho posturing would be pathetic if it were not so dangerous. I think that I heard a reporter on BBC News 24 describing HMS Ocean's departure from port as issuing to Saddam Hussein the challenge: "Come and have a go, if you think you're hard enough." Great stuff. Perhaps the plan is to provoke Iraq into doing something.

A letter in today's edition of *The Scotsman* from somebody who describes himself as Colonel Dunlop states:

"If Saddam adopts the same logic we are using to justify pre-emptive war, he will have better reason than we do to start it, for we have the capability to attack Iraq and have declared our intent to use it."

While HMS Ark Royal is steaming off with other ships, reservists are being put on notice and the US is amassing forces for possible military action in the gulf, US Secretary of Defense Donald Rumsfeld has this week signed an order to send a further 62,000 troops to the gulf region, which will nearly double the size of the American forces there. Military analysts say that the expected deployment of 150,000 personnel in and around the gulf by the second half of February would be enough to launch what the Pentagon calls a rolling-start attack. In the face of that, some of the optimism that has been expressed in the debate seems unwarranted.

If somebody would like to intervene, they may do so now.

**Karen Gillon:** I am glad that Roseanna Cunningham has taken an intervention after 8 minutes 20 seconds of her speech. Will she clarify whether, after a second vote by the UN Security Council, the SNP would support the UK Government in taking our troops to war?

**Roseanna Cunningham:** We are debating the motion that is before us and the important word in that motion is "currently". If Karen Gillon listens to the rest of my speech, she will hear what we believe is necessary before we are to go to war.

As has been stated repeatedly, resolution 1441 gives a clear mandate to the weapons inspectors and puts a clear responsibility on Iraq to comply. The resolution also makes it perfectly clear that the UN Security Council is to convene on receipt of a report from the inspectors. It does not mention attacking Iraq, but states that the Security Council will meet to consider the situation.

The UK ambassador to the UN seemed to understand that point when he stated:

"If there is a further Iraqi breach of its disarmament obligations, the matter will return to the Council".

That seems clear and straightforward. Labour members are nodding their heads, but that is not the position for which they have argued in the

debate. The UK ambassador's statement makes it all the more puzzling that Bush and Blair think that they can ride roughshod over international opinion and that is why Tom McCabe's amendment should fail.

We must be clear about something that might easily be overlooked among the preparations for war that are going on around us. The weapons inspectors, who were appointed by the UN, have to date found no evidence to provoke the serious consequences that are threatened in resolution 1441. The chief UN arms inspector, Hans Blix, expressed that position clearly when he said:

"We have now been there for some two months and been covering the country in ever wider sweeps and we haven't found any smoking guns".

Mr Blix suggested that there are unanswered questions, and that is precisely why he and his team must be given the time and space that they need to complete the job that we have asked them to do, without the constant threat hanging over their heads that their work could be interrupted by war.

**Mr McCabe:** I ask the member for clarification. If the situation changes and, because of a report from the inspectors, the UN considers a second resolution and sanctions action, will the SNP support it?

**Roseanna Cunningham:** I will tell members the circumstances in which we will support the war, but first I will finish with what Hans Blix has said. Yesterday, he said that his team might have to stay in Iraq until March. That is a bit out of line with Bush's February timetable.

There are several amendments to the motion, and I await 5 o'clock to find out how members will vote on them. I hope that members in other parties will not follow the usual patterns of voting. In particular, I remind all members who share our concerns that the Campaign for Nuclear Disarmament has urged support for the SNP motion. It is not enough to say that we should leave it to Westminster because, frankly, Westminster is so far stifling debate. Even that arch opponent of the Scottish Parliament's existence, Tam Dalyell, thinks that it is ironic that the Scottish Parliament can find the means of having this debate while the House of Commons is refused it. Labour members will be well aware that there is far from a unanimous view on the issue even in the UK Cabinet, far less in the wider party.

I believe that the First Minister has behaved very discourteously this morning by coming in to listen to the Labour front-bench speech and then leaving. His silence is short sighted and parochial. It lets his party down; it lets the Parliament down; and, more to the point, it lets Scotland down.

I commend George Reid's eloquence on the humanitarian aspect of what we are debating. I



suspect that I am not a pacifist any more than most people in this chamber. However, the SNP is committed to the principles of international law and the primacy of the United Nations. We cannot and will not support military action against Iraq unless three clear conditions have been met.

**Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** Here we go.

**Roseanna Cunningham:** It is called a conclusion.

The first condition is that the UN inspectors must have been given sufficient time to produce a comprehensive report for consideration by the UN Security Council. The second condition is that the UN Security Council must have received and published clear and compelling evidence proving that Iraq has weapons of mass destruction. The third condition is that a new mandate for military action must have been agreed by the UN Security Council, containing clear terms on which such action should be taken and a clear objective for any such action.

The Parliament must be the voice of the Scottish people and send the message to the Prime Minister that he must take the UK off the path to war that he has set us on and root all his actions in relation to this matter in the legitimacy of international law and the United Nations. I urge members to support the SNP motion.

**The Deputy Presiding Officer:** Before we move to the next item of business, to allow the points of order that were raised during the debate to be given a more substantive response than I have so far been able to give, I suspend the meeting briefly.

12:58

*Meeting suspended.*

13:10

*On resuming—*

**The Presiding Officer (Sir David Steel):** I listened carefully to the points of order that were put to the Deputy Presiding Officer when I was in my room. I reiterate one point that he made, which is that members who draft amendments must accept responsibility for their amendments. The fact that we are prepared to make some adjustments today is not to be taken as a precedent.

I recognise that there is a wish throughout the chamber that every point of view should be put to the vote. Thanks to the skill of the clerks, we have devised a means of doing that which, simply, is this: the text that members have from Tavish Scott and Tommy Sheridan will, instead of being

amendments to the SNP motion, be redrafted as amendments to Tom McCabe's amendment. In that way, each can be put in turn and, at the end, we will be left with Tom McCabe's amendment in whatever form results from the votes, which will be put against the SNP motion. That is what will happen at 5 o'clock.

I need Tavish Scott and Tommy Sheridan formally to seek leave to withdraw their amendments, in order to allow the manuscript amendments to be taken.

**Tavish Scott:** I seek leave to withdraw amendment S1M-3760.2 in my name.

*Amendment, by agreement, withdrawn.*

**Tommy Sheridan:** I seek leave to withdraw amendment S1M-3760.1 in my name.

*Amendment, by agreement, withdrawn.*

**The Presiding Officer:** Thank you. That shows that we can all be servants of the Parliament and everybody will have their say at 5 o'clock.

## Business Motion

13:11

**The Presiding Officer (Sir David Steel):** The next item of business is consideration of the business motion, S1M-3767.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Wednesday 22 January 2003

2:30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Stage 3 of Land Reform (Scotland) Bill

*followed by* Parliamentary Bureau Motions

5:00 pm Decision Time

*followed by* Members' Business—debate on the subject of S1M-3430 Brian Adam: Safety Campaign on Diesel Spills

Thursday 23 January 2003

9:30 am Continuation of Stage 3 of Land Reform (Scotland) Bill

*followed by* Business Motion

2:30 pm Question Time

3:10 pm First Minister's Question Time

3:30 pm Continuation of Stage 3 of Land Reform (Scotland) Bill

*followed by* Parliamentary Bureau Motions

5:00 pm Decision Time

*followed by* Members' Business—debate on the subject of S1M-3751 George Lyon: Rural Communities and Renewable Energy

Wednesday 29 January 2003

2:30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Stage 3 of Water Environment and Water Services (Scotland) Bill

*followed by* Parliamentary Bureau Motions

7:00 pm Decision Time

Thursday 30 January 2003

9:30 am Green Party and Scottish Socialist Party Business

*followed by* Business Motion

*followed by* Members' Business

2:30 pm Question Time

3:10 pm First Minister's Question Time

3:30 pm Stage 1 debate on the Budget Bill

*followed by*

Scottish Parliamentary Corporate Body's nomination for the Scottish Parliamentary Standards Commissioner

*followed by*

Standards Committee motion on changes to the Code of Conduct

*followed by*

Parliamentary Bureau Motions

5:00 pm

Decision Time

*followed by*

Members' Business—debate on the subject of S1M-3766 Murdo Fraser: British Cattle Movement Service

(b) that the Justice 1 Committee reports to the Justice 2 Committee by 20th January 2003 on the Act of Sederunt (Fees of Sheriff Officers) (No.2) 2002 and on the Act of Sederunt (Fees of Solicitors in the Sheriff Court) (Amendment No.4) 2002;

and (c) that Stage 2 of the Law Society of Scotland Bill be completed by 28 February 2003.—[*Euan Robson.*]

*Motion agreed to.*

13:12

*Meeting suspended until 14:30.*

14:30

*On resuming—*

## Question Time

### SCOTTISH EXECUTIVE

#### Sports Facilities (Winter Use)

**1. Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** To ask the Scottish Executive what support it is providing for the development of sports facilities that are usable over the winter months. (S1O-6231)

**The Minister for Tourism, Culture and Sport (Mike Watson):** Local authorities are responsible for providing leisure and recreational facilities, which they do according to the priorities that they have identified. The Executive, through sportscotland, can and does provide financial support for local authorities. Since 1995, the national lottery sports fund has committed more than £60 million to improving existing indoor facilities or building new ones. The physical education in sport programme, which was launched last year, will contribute further to that, with school-based community facilities.

**Ian Jenkins:** I welcome the progress that is being made, but does the minister agree that a lack of indoor and all-weather facilities throughout Scotland is likely to hinder the achievement of sport 21's priorities of social inclusion, increased participation and the promotion of excellence? In that context, will he comment on the velodrome at Meadowbank, where a successful sport in all the terms that I have mentioned is badly affected by closures due to bad weather?

**Mike Watson:** The physical education in sport programme is specifically targeted at social inclusion partnership areas. Facilities such as the one that I launched in Haghill in Glasgow last week are designed to meet the need for exactly the sort of provision to which the member refers. From memory, I think that the sport 21 report identified the need for an indoor velodrome as a priority and that a feasibility study was carried out. We are currently seeking partnership funding to take the project forward, as the cost and lack of flexibility of a velodrome make it difficult to fund out of existing resources.

**Elaine Thomson (Aberdeen North) (Lab):** Is the minister aware of the situation that will face curlers in my constituency and elsewhere in the north-east following the closure of the only curling rink in the region? Will he, perhaps with sportscotland, examine in more detail the options that were presented by the Aberdeen curling

project group, which would like to build a purpose-built facility to serve the whole north-east?

**Mike Watson:** I suppose that I should not miss the opportunity to congratulate yet again Rhona Martin and Jackie Lockhart and their teams. I suspect that Scotland has never before been the world and Olympic champions at the same time in any sport. That feat is worthy of tremendous credit.

There has been a considerable spin-off from that success in the form of increased interest in curling and the "curling's cool" programme, which is aimed at primary school children, has been very successful. The closure of a rink in Aberdeenshire should be viewed with concern and if there is a way in which I can assist, perhaps through discussions with sportscotland, in ensuring that the Aberdeen area continues to be provided with curling facilities, I would certainly want to do so.

#### Cabinet Sub-committee on Sustainable Scotland

**2. Robin Harper (Lothians) (Green):** To ask the Scottish Executive when the next meeting of the Cabinet sub-committee on sustainable Scotland—otherwise known as CSCSS—will be held and what will be discussed. (S1O-6237)

**The Minister for Environment and Rural Development (Ross Finnie):** I was unaware that the sub-committee was so commonly regarded.

The Cabinet sub-committee on sustainable Scotland met yesterday and discussed a range of issues of relevance to sustainable development in Scotland. No further meetings of the sub-committee have been arranged.

**Robin Harper:** I hope that the Cabinet sub-committee is more than aware of the report of the Scottish Parliament Health and Community Care Committee on its inquiry into genetically modified crops, which states:

"we believe that allowing GM crop trials to continue does contravene the precautionary principle, even as that principle is interpreted by the Scottish Executive."

Will, or did, the Cabinet sub-committee agree to suspend the GM crop trials, as recommended by the Health and Community Care Committee? Given the significance of the committee's recommendations, will the matter continue to be discussed at the Cabinet sub-committee's next meeting, if indeed no decision has yet been reached?

**Ross Finnie:** There are a number of separate points. The recommendations and the full burden of the Health and Community Care Committee's report are a matter of considerable significance for me in my capacity as Minister for Environment and Rural Development. The department for which I

am responsible and colleagues in the health department are required to study the report with considerable care and we will respond to it. That is the appropriate mechanism.

The Health and Community Care Committee's report was not before the sub-committee. A good reason for that might be that no one had had the time to study the report before the sub-committee met. Robin Harper referred to the sub-committee's next meeting. Given the time scales of the sub-committee's meetings, it will be for a future Administration to determine the timing and agendas for future meetings.

**John Scott (Ayr) (Con):** On the basis of advice from his advisory body—the Advisory Committee on Releases to the Environment—the minister has consistently defended his refusal to suspend GM crop trials. As the Health and Community Care Committee's report has called into question ACRE's advice, how can the minister continue to have confidence in ACRE? Is not it time for the minister to consider taking evidence on GM crops from other scientific sources?

**Ross Finnie:** As John Scott properly points out, the Health and Community Care Committee has questioned ACRE's procedures and methodology. As I told Robin Harper, the correct response is for me to take that report seriously. ACRE is entitled at least to an opportunity to consider the committee's conclusions and to respond. All of us will be interested in that response. Allowing ACRE the opportunity to respond to the accusation that has been levelled against its methodology would be the proper procedure.

### Sustainable Development

**3. Mr Kenneth Macintosh (Eastwood) (Lab):** To ask the Scottish Executive what measures are being taken to expand education in sustainable development. (S10-6249)

**The Minister for Education and Young People (Cathy Jamieson):** Opportunities for education in sustainable development are available throughout the school curriculum. The Executive is discussing with the sustainable secondary schools partnership proposals to establish an advisory group to provide support and advice on that important part of the curriculum.

**Mr Macintosh:** Is the minister aware of the progress that is being made on promoting sustainable development in our primary and secondary schools, most notably in the eco-schools initiative, which has been adopted in my constituency? Is she also aware of the need to develop undergraduate courses so that, instead of having stand-alone courses, we develop the curriculum in subjects such as accountancy and engineering to enable graduates in those subjects to make informed decisions in their future careers?

**Cathy Jamieson:** I am well aware of the eco-schools programme, which was an item on the agenda of yesterday's meeting of the Cabinet sub-committee on sustainable Scotland—the sub-committee was pleased to hear an update about the programme. I am also aware of the work that is being done with the Scottish Higher Education Funding Council and funding from the Carnegie Trust for the Universities of Scotland to establish the Scottish universities network for sustainability. That will deal with some of issues that Ken Macintosh identified in relation to how the institutions consider sustainable development as organisations and in relation to teaching and courses.

### Borders Railways Forum

**4. Christine Grahame (South of Scotland) (SNP):** To ask the Scottish Executive what discussions it has had, or is currently having, with the Borders railways forum. (S10-6230)

**The Minister for Enterprise, Transport and Lifelong Learning (Iain Gray):** None. However, we are in regular contact with the Waverley Railway Partnership, which leads on the Scottish Borders railway project.

**Christine Grahame:** I know of that. Does the minister care to agree with recent media comments and with his predecessor, Sarah Boyack? Sarah Boyack said in a debate in June 2000 on the reinstatement of the Borders railway line:

"I accept without reservation that improving the transport links between the Borders and the rest of the country is a prerequisite to the area's economic regeneration".—[*Official Report*, 1 June 2000; Vol 6, c 1218.]

Given that the forum proposes only four stops in Midlothian and one stop in the Borders with another for turnaround, will the minister confirm that he will ensure that the Borders railway line remains just that and does not end—as rumours would have it—at Gorebridge?

**Iain Gray:** The Borders railway line remains one of the developments that we would like, as we made clear in our transport delivery report. We also made clear what the process should be. The Waverley Railway Partnership leads the project and will bring to us the proposal for a link to the Borders. In December, I met Councillor John Scott from Scottish Borders Council, which takes the lead in the partnership. He was still working on the project and I expect the partnership to produce proposals.

**Rhona Brankin (Midlothian) (Lab):** Is the minister aware of the urgency of taking action to ensure that constituents such as mine in Midlothian—60 per cent of whom travel to Edinburgh by car—have access to rail travel,

which would reduce congestion hugely in and around Edinburgh and particularly at Sheriffhall roundabout?

**Iain Gray:** That is absolutely right and it is why the link is mentioned in the TDR, as well as links further south into the Borders, which also have potential benefits. As I said, the partnership is taking that forward. The next key stage is to introduce the private bill in Parliament, which I expect to happen within the next month or two. In recent months, I have provided an extra £250,000 to accelerate that process. It has been my purpose to move things on as quickly as possible.

**Mr Murray Tosh (South of Scotland) (Con):** The minister will be aware that it is inevitable that the delivery of the Borders railway will require substantial funding from the Executive and Strategic Rail Authority sources. Does he accept that it is unrealistic for him to say that it is simply up to the bill's promoters to fund the project? Will he give a commitment in principle, protecting the Executive's detailed negotiating position, to a substantial injection of public funding?

**Iain Gray:** I do not accept that that is the position that we have outlined. My predecessor Sarah Boyack challenged the partnership to maximise investment in the project from private sources. A key aspect of the proposals that the partnership is working up to bring to us is the shortfall or the gap that would require to be filled by public funding. I have tried to accelerate the process and I continue to work to do that.

**Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD):** Does the minister agree that, in any value-for-money calculations relating to the establishment or re-establishment of a rail service, social inclusion, the environmental impact and issues of economic development must be important considerations in the decision making, quite apart from finance for the railway itself?

**Iain Gray:** Yes. The Scottish transport appraisal guidance, which we are working hard to develop, takes account of those factors as well as the more obvious value-for-money factors. Only yesterday in the debate on the Transport and the Environment Committee's report, a number of colleagues expressed the view that the STAG process is excellent and is developing well. That appraisal process would be applied to potential new railway lines in Scotland, including the Borders line.

### Quality-of-life Issues

**5. Elaine Thomson (Aberdeen North) (Lab):** To ask the Scottish Executive what progress it has made in tackling issues that affect the quality of people's lives such as litter and abandoned cars. (S10-6254)

**The Minister for Environment and Rural Development (Ross Finnie):** As part of the local government settlement, my colleague Andy Kerr allocated £180 million in quality-of-life funding for local authorities over the next three years, in addition to the £95 million allocated this year to improve the local environment and to encourage children and young people to make healthy lifestyle choices.

Those themes allow scope for a wide range of initiatives to respond to local needs and priorities, including litter and abandoned vehicles. Specifically on litter, however, we commissioned a review of legislation, whose recommendations are currently being considered. New regulations to help local authorities to deal more quickly with the nuisance of abandoned cars came into effect on 15 January. In addition, we have allocated £20 million from 2004 for community wardens, whose role will include tackling environmental issues such as litter and abandoned cars.

**Elaine Thomson:** Is the minister aware of the innovative scheme in Middlefield in my constituency of Aberdeen North, which the Minister for Social Justice visited this week? The scheme involves community wardens who help to clean up the streets by speeding up the removal of abandoned cars and it has worked effectively in helping to reduce crime and in fostering better relations between the community and the police. Will the minister consider whether that model could be usefully extended elsewhere?

**Ross Finnie:** I am aware of the Minister for Social Justice's visit and observation of the implementation of the community-warden scheme. I confirm that we will be considering the scheme's applicability throughout Scotland. We have to acknowledge that a one-size-fits-all approach is not necessarily the answer, but it is clear that there are lessons to be learned from the impressive way in which the scheme is progressing.

**Bruce Crawford (Mid Scotland and Fife) (SNP):** Does the minister agree that the increased costs of vehicle disposal, as a result of the end-of-life vehicles directive, make the problem of abandoned vehicles worse? A recent European report said that we can expect half a million more such vehicles between now and the end of 2007 as a result of the UK Government's choice not to fund a collection and disposal scheme. What measures is the minister considering to improve the treatment and recycling of vehicles to ensure that more are not abandoned and that we do not face a mountain similar to the one that, shamefully, exists for fridges?

**Ross Finnie:** In light of the regulations that came into force yesterday, which are part and parcel of wider developments, I can say that the

response from local authorities has been to welcome the much-improved procedures for dealing with abandoned vehicles.

On dealing with abandoned vehicles more generally and the impact of the end-of-life vehicles directive, the handling of larger elements of waste is obviously an integral part of the discussions about arrangements for waste strategies. Local authorities must be required to build up their capacity to deal with such waste. I am confident that we are sufficiently involved in proper discussions with local authorities on that issue and that that will prevent the problems that arose with fridges.

The problem is serious and complicated, because the responsibility rests with the owner, albeit that it eventually falls back to the local authority. A substantial number of persons who abandon vehicles have also avoided registering the vehicle, which complicates matters further.

#### **National Health Service (Hospital-acquired Infections)**

**6. Mrs Margaret Smith (Edinburgh West) (LD):** To ask the Scottish Executive what progress is being made in tackling hospital-acquired infections in the NHS. (S10-6225)

**The Deputy Minister for Health and Community Care (Mr Frank McAveety):** We have set out new standards on infection control and cleaning services, which make clear what is expected of hospitals. We expect assessments of progress shortly. I have also established a task force to ensure that the issue continues to be given high priority by the NHS.

**Mrs Smith:** The minister will be aware that there have been a number of cases in Lothian and that the number of hospital patients catching methicillin-resistant staphylococcus aureus has gone up, according to figures released on 8 January. Research shows that anything up to a million bed days are blocked by patients with hospital-acquired infection. I note that the Executive has made several moves on the issue.

**The Presiding Officer:** Ask your question, please.

**Mrs Smith:** Does the minister agree that, in its strategy, the Executive should allow decisions to be made at ward level by nationally recognised infection-control teams that are made up of microbiologists and specially trained infection-control nurses, whose only remit is infection control and educating patients and staff about ward hygiene?

**Mr McAveety:** We already have an absolute commitment to developing infection-control teams in hospitals. The whole team involved in the

provision of support services in a hospital is critical. That is why I am delighted to have a constituent from Parkhead hospital in the gallery—Bill Kidd, who recently won one of the *Daily Record* health awards. He is part of the contribution that will make a difference throughout health services in Scotland.

Our whole strategy is about finding a clear way of bringing together effective cleaning, good hygiene, infection-control procedures and prudent use of antibiotics. As a result, we have proposed that champions in local health provision should be developed to ensure that we address any growing trends in hospital-acquired infection.

**Mary Scanlon (Highlands and Islands) (Con):** Given the continued increase in hospital-acquired infections with a cost to the NHS of £186 million a year and the increased diversion of resources from health care to negligence claims, will the minister tell the Parliament whether the increase in resources for the payment of such claims is a result of cases involving hospital-acquired infections? Would it not be better to invest that money in infection control?

**Mr McAveety:** We have made it quite clear that we take infection control seriously. I ask Mary Scanlon to tell me how we would be able to address the concerns that she has raised with a 20 per cent reduction in the health budget.

We must develop a strategy that pulls teams together to ensure that we do not have to find ways of paying out compensation. Any money lost to the health service impacts on the provision and quality of service across the board. The Executive is utterly committed to addressing those concerns. That is why we have established the action team, which will meet at the end of the month to identify ways of developing those issues over the next few years.

#### **Health Promotion**

**7. Janis Hughes (Glasgow Rutherglen) (Lab):** To ask the Scottish Executive what measures are necessary to promote a healthier Scotland. (S10-6248)

**The Deputy Minister for Health and Community Care (Mrs Mary Mulligan):** In order really to make Scotland a healthier nation, we must go beyond simply treating the consequences and devote more effort to preventing ill health. As a result, a comprehensive approach across all Executive departments is essential. We will shortly publish our proposals to build on steps that have already been taken, such as the national healthy living campaign that the First Minister inaugurated last week.

**Janis Hughes:** Will the minister tell me how the Executive plans to ensure that communities are

fully informed about the local facilities available to them? We will only ever improve the health of the people of Scotland if we make it easy and convenient to access those health services.

**Mrs Mulligan:** It is absolutely essential that we get the message across to the people who need to hear it. That requires a range of measures, including national measures such as the telephone helpline that was set up under the healthy living campaign, which will provide advice and information to people about how to balance their diets and use foods appropriately, and local measures. Janis Hughes will be aware of the Cambuslang health and food project in her constituency, which identifies and addresses local food poverty and related health issues. It is important that local initiatives are supported, which is what the Executive is doing, because they are best placed to take on board the problems that are faced by local people.

**Alex Neil (Central Scotland) (SNP):** Does the minister agree that a key part of promoting a healthier Scotland is to address the personnel shortages in the health service? To that end, can she tell me how many nurses, doctors and consultants the Scottish Executive has agreed to second to the armed forces in the event of an armed attack on Iraq?

**Mrs Mulligan:** The current situation is that the voluntary service units that will make up the medical corps have been identified from a service south of the border. At the moment, the effect in Scotland will be minimal. However, as was said in this morning's debate on the international situation, each and every one of us would accept that, should war become a fact, we will want to support our men and women who are put into that situation. I hope that Alex Neil does not suggest otherwise.

**Dennis Canavan (Falkirk West):** Will the Executive ensure that the promotion of a healthier Scotland includes the building of a new state-of-the-art hospital at Larbert in the grounds of the Royal Scottish national hospital? The site already belongs to the national health service and it is readily accessible to more than 90 per cent of the population of Forth valley.

**The Presiding Officer:** I think that we had that question last week as well.

**Mrs Mulligan:** The member will be aware that the issue is still under consideration. Although I recognise his desire to represent his constituents, we have to have a comprehensive review, and the views of the people in Forth valley must be considered.

## School Leavers

### 8. Michael Russell (South of Scotland) (SNP):

To ask the Scottish Executive what steps it is taking to reverse the overall increase in the percentage of school leavers from publicly funded schools who, since 1998-99, have not entered training, employment or full-time higher or further education. (S10-6215)

### The Minister for Enterprise, Transport and Lifelong Learning (Iain Gray):

The Executive is taking action on a number of fronts, including an investment of £15 million between 2001 and 2004 in inclusiveness projects that will help hardest-to-reach 16 to 24-year-olds. Those projects—13 in total—are managed by Careers Scotland, whose target is a 25 per cent reduction in the number of young people who are not in training, employment or full-time education by the end of March 2004.

**Michael Russell:** The minister is not responsible for education so he might not be aware that that was a key social justice and education target in his party's previous manifesto. Given that the figure has now risen and is worse than when the Tories left power, what new initiatives are being taken to close the opportunity gap?

**Iain Gray:** I am well aware of the social justice target that was referred to. One of the great strengths of the Executive is that social justice cuts across all our responsibilities. The target referred to has been discussed among colleagues and, indeed, between Cathy Jamieson and myself in the past days. To address that important issue, we must look to the newest initiatives in our lifelong learning strategy, which is in preparation and is soon to be published. I continue to work closely with the Minister for Education and Young People to ensure that there are new initiatives to do that.

### Miss Annabel Goldie (West of Scotland)

**(Con):** Surely the minister's response indicates that the Executive is perhaps doing too little too late. In this unhappy situation, does not the problem rest with the education system's failure to recognise that some youngsters, aged perhaps 13 or 14, are not sitting happily in the school environment? Surely more adventurous means should be adopted to give them alternative opportunities, by letting them access other learning source providers such as colleges or a business forum.

**Iain Gray:** The provision of a wider choice of opportunities in school for young people around the age of 13 or 14, to ensure that we reduce the number of those who are lost to the system and become disaffected with school, is one of the matters that Cathy Jamieson has spoken about in recent weeks. I warn anyone who considers that

group of young people to be a single cohort, and who thinks that there is a single solution, to take the issue much more seriously. There is a wide range of reasons, some of which are less difficult to resolve than others.

Included in that group is the cohort of young people who take time out after school or who take a gap year. However, the total also includes a ridiculously disproportionate number of looked-after children, who might be served well in their younger years but who, in the transition to adulthood, are not served well. We will be focusing on those transitions, and there will be a range of them, because there is a range of reasons behind the statistics.

**Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab):** Does the minister agree that our world-class success in securing participation in higher education for young people should not mask what still needs to be done? In particular, does he agree that we need better data on the groups that make up that cohort, including the hardest-to-reach young people? Does he further agree that there is an important role for Careers Scotland and Future Skills Scotland, as well as for educators, in supporting those young people?

**Iain Gray:** Further to my response to Annabel Goldie, I agree that we need more and better information. The group is made up of individuals, some of whom have complex reasons for not accessing the opportunities that exist. We must ensure that there is support to help them over those barriers. We must also recognise that, although we have increased and improved participation rates in further and higher education, there is still much to do on the widening access agenda to ensure that those opportunities are available to all our young people, if that is the appropriate path for them to follow.

### **Bus Travel Scheme**

**9. Cathy Peattie (Falkirk East) (Lab):** To ask the Scottish Executive whether it will extend the free off-peak local bus travel scheme to provide a single scheme enabling older people to travel free throughout Scotland. (S1O-6242)

**The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald):** The Executive is supporting free local off-peak bus travel through existing local schemes in order to meet the vast majority of the everyday travel needs of Scotland's elderly and disabled people. Our current priorities are to monitor the implementation and impact of free local off-peak bus travel and to extend the benefits to men aged over 60 and under 65 by April this year.

**Cathy Peattie:** Free off-peak bus travel has been generally well received in my constituency,

but there are problems when people's journeys take them beyond the boundaries of the travel area. Reports have reached me that people have been asked to pay a quarter of the full fare or to get off the bus before the boundary and get back on and buy another ticket. Will the minister consider a national scheme that overcomes those problems and addresses the inequality that stems from differences in the size of travel areas?

**Lewis Macdonald:** Monitoring of the enhancements that we have introduced will allow us to ensure that the schemes are working well and to identify problems of the kind that Cathy Peattie has described. I am aware of those concerns, which have been raised in the chamber before. I agree that free local off-peak bus travel has been widely welcomed, and it is certainly here to stay. The feedback that we receive will allow us both to address problems and to consider ways in which such schemes can be further developed in the future.

**John Young (West of Scotland) (Con):** My good friend Phil Gallie—who, if my memory serves me correctly, becomes an old age pensioner next year—advises me that about 1 million people in Scotland could qualify under the scheme. Some of those people are very wealthy; in Kenneth Macintosh's Eastwood constituency, we see the golden oldies pouring out. Many of them could buy and sell the bus companies, and they are getting free travel. If the proposition were to go ahead throughout Scotland, would not it be better to give free bus travel to all age groups and to finish at that?

**Lewis Macdonald:** I can say only that that is a Conservative spending commitment that we would struggle to match.

**Donald Gorrie (Central Scotland) (LD):** I welcome the progress that has been made, but does the minister recognise that there is inherent unfairness? In central Scotland, those in the Strathclyde Passenger Transport area can travel on a large number of routes, whereas those who live in Falkirk are quite restricted. We must move rapidly towards a fairer scheme and build on the good progress that has been made.

**Lewis Macdonald:** As I said to Cathy Peattie, we are aware of the issues that have been raised about cross-boundary travel. As a consequence of our awareness of those issues, they have been raised with local authorities and operators at the concessionary fares working group, in which my officials also participate. The operators have undertaken to make clear to all their staff the rules and procedures that apply to cross-boundary journeys and I understand that the issue will be discussed again at the working group's next meeting so that any further anomalies that need to be resolved can be identified.



**Mr Kenny MacAskill (Lothians) (SNP):** In view of the extension of the scheme to males who are aged 60 to 64, what additional financial resources will be provided to local authorities to ensure that operators can deliver it?

**Lewis Macdonald:** Some £10 million.

### **Land Reform (Scotland) Bill**

**10. George Lyon (Argyll and Bute) (LD):** To ask the Scottish Executive how it is addressing any concerns regarding landowner liability under access provisions in the Land Reform (Scotland) Bill. (S10-6232)

**The Minister for Environment and Rural Development (Ross Finnie):** Part 1 of the Land Reform (Scotland) Bill sets out rights of responsible access. Section 5(2) provides that part 1 of the bill and its operation will not affect the duty of care owed by an occupier to any person present on the land. As a result, the liability of landowners under the Occupiers' Liability (Scotland) Act 1960 will not increase as a result of the legislation.

**George Lyon:** I thank the minister for his reassurance.

Owners have raised with me another concern about the bill. The owners of the Isle of Eriska Hotel in my constituency are concerned about whether or not the grounds of the hotel are exempt from access rights. Such concerns are shared by many hotel owners in Scotland. Will the minister say whether curtilage, which is mentioned in the bill, covers the grounds of hotels such as the Isle of Eriska Hotel and whether such grounds will therefore be excluded from the new access rights that are being created?

**Ross Finnie:** I am not familiar with the details of the ground plans of the Isle of Eriska Hotel. It would be appropriate for me to write to the member to respond in detail to his question.

**Murdo Fraser (Mid Scotland and Fife) (Con):** Notwithstanding the minister's clear statement that he considers that there will be no increase in liability, is he aware that lawyers have different views on the issue? Surely it would be sensible to put the matter beyond doubt by clearly stating in the bill that access is taken at the access taker's risk.

**Ross Finnie:** The difficulty with that proposition is that it would mean that the landowner's current duty of care in respect of the Occupiers' Liability (Scotland) Act 1960 would be extinguished and so the public would be put in a far worse position than they are in currently. I do not think that the proposition is at all sensible.

**Pauline McNeill (Glasgow Kelvin) (Lab):** Notwithstanding the assurances that landowners should be given—and that Ross Finnie has

given—to address their concerns, does the minister agree that good landowners have nothing to fear from the Land Reform (Scotland) Bill? Does he agree that the bill, which will give a statutory right of access to the countryside, is a crucial piece of civil legislation that will be supported by the Parliament next week, and that there is much public support for it?

**Ross Finnie:** Yes.

### **Employment Tribunals (Legal Aid)**

**11. Phil Gallie (South of Scotland) (Con):** To ask the Scottish Executive whether it has any concerns with regard to the level of take-up of legal aid in respect of employment tribunals. (S10-6217)

**The Deputy First Minister and Minister for Justice (Mr Jim Wallace):** I believe that the extension of legal aid in January 2001 to designated categories of proceedings before an employment tribunal was a significant improvement in access to justice.

**Phil Gallie:** Yes, but does the minister recall telling the Justice and Home Affairs Committee that he anticipated that the level of uptake would be about 300 cases a year at a cost of £600 a case? The approval rate appears to be running at between 500 and 600 approvals a year, at a rate of almost £1,000 per approval. Does he have any concerns about the effect of that on the already hard-pressed legal aid budget?

**Mr Wallace:** No, I do not have any such concerns. From April to October 2002, the Scottish Legal Aid Board paid out just under £240,000 to solicitors and counsel in 247 cases. To put that in perspective, that is less than one fifth of 1 per cent of the total spend on legal aid. Indeed, there were more than 8,500 applications to employment tribunals during 2001-02. The board granted assistance by way of representation in about 400 cases but, of course, it will not be known until the accounts come in how many cases went to a hearing and how many were settled. When the chamber supported the measures back in 2001, I think that it took the view that when a person's right with regard to their employment is at stake and the case is complex, they should get access to justice. I believe that Parliament was right to make that assistance available.

**The Presiding Officer:** Question 12 has been withdrawn.

### **European Year of People with Disabilities**

**13. Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD):** To ask the Scottish Executive what action it will take to promote the European year of people with disabilities. (S10-6233)

**The Deputy Minister for Social Justice (Des McNulty):** We very much welcome the European year of disabled people—EYDP—and the opportunity that it provides for us to raise awareness of disability and of the contribution that disabled people make at all levels in Scottish society. The EYDP will be launched in Scotland on 23 January and we will announce our plans then.

**Mr Stone:** I thank the minister for his answer. I take a big interest in the money side of the EYDP. What level of funding is coming to Scotland through the EYDP grant scheme? On the rural dimension, how will the Scottish Executive ensure that disabled people in rural communities will benefit? That matter is close to my heart.

**Des McNulty:** We are delighted that 22 projects in Scotland will receive funding through the EYDP grant scheme, which is being funded by the European Commission and the United Kingdom Government. The projects will receive about £300,000, which is 13 per cent of total UK funding. On the rural dimension, a steering group has been established to co-ordinate EYDP activities in Scotland. The group has discussed the need to ensure that all parts of Scotland, including rural areas, are catered for. The networks and memberships of each organisation and of the organisations with which they are in contact are very wide. I hope that they will reach every part of Scotland.

**Mr Gil Paterson (Central Scotland) (SNP):** Given that the UK Government has decided to support the European year of disabled people with the theme of rights and participation, what action is the Executive taking to ensure that all the departments that come under its remit are able to conform to the requirements of the Disability Discrimination Act 1995, which come into force next year?

**Des McNulty:** Work is on-going within the Scottish Executive to consider compliance with the requirements of the legislation to which Gil Paterson refers. The detailed progress of implementation will be kept under continuous review and we will report on that in due course.

**The Presiding Officer:** Questions 14 and 15 have been withdrawn.

#### **A92 (Arbroath to Dundee Dualling)**

**16. Alex Johnstone (North-East Scotland) (Con):** To ask the Scottish Executive when it last met Angus Council to discuss the A92 Arbroath to Dundee dualling project and what issues were raised. (S10-6218)

**The Deputy Minister for Enterprise, Transport and Lifelong Learning (Lewis Macdonald):** Executive officials have met Angus Council on several occasions to discuss the project. The most

recent meeting, on 13 January, covered procurement and funding issues.

**Alex Johnstone:** Will the minister elaborate? According to Angus Council, responsibility for the matter lies with him, and the unprecedented delays and escalating costs that are associated with the project are entirely the responsibility of the Scottish Executive. How does he react to that?

**Lewis Macdonald:** I dispute that. The details of the project are the responsibility of the local authorities. Clearly, it is their responsibility to carry the matter forward. It would not be appropriate to discuss the details of the project in the middle of a procurement process. We will continue to work with the local authorities to assist them in completing their undertaking.

**Mr Andrew Welsh (Angus) (SNP):** Will the minister confirm that the cities review allocation of £9.3 million to Dundee City Council is specifically designed to include infrastructure and transport projects? Will he encourage the council to use some of the money to upgrade the section of the A92 that is within its boundaries? That would be of mutual benefit to both Dundee and Angus.

**Lewis Macdonald:** I certainly encourage Dundee City Council, Angus Council and other local authorities in the area to talk to each other and to work together to identify the appropriate priorities and to carry forward those that bring maximum benefit to the transport infrastructure and which are to the wider economic benefit of Dundee and its surrounding areas.

**Mr John McAllion (Dundee East) (Lab):** Does the minister not agree that, far from the cities review trying to encourage Dundee to spend money to help out Angus Council, it would have been far better if the cities review had tackled the boundaries issue and given Dundee back its rightful inheritance, which is Monifieth and Invergowrie? That would have given Dundee an adequate tax base to enable it to provide the services that the city and the region require.

**The Presiding Officer:** That is a little bit wide of the question, but the minister can respond.

**Lewis Macdonald:** What the cities review has done is to recognise the key role played by Dundee, as by Scotland's other cities, in the surrounding region. It is precisely on transport infrastructure and other such matters that Dundee City Council and its local neighbours can work together. Consultation on transport and other priorities between Dundee City Council and its neighbours is what we want to happen in encouraging a voluntary approach to developing transport infrastructure on a regional basis.

## First Minister's Question Time

15:10

### Prime Minister (Meetings)

#### 1. Mr John Swinney (North Tayside) (SNP):

To ask the First Minister when he next plans to meet the Prime Minister and what issues he plans to discuss. (S1F-2406)

**The First Minister (Mr Jack McConnell):** I will meet the Prime Minister later this afternoon. We will discuss youth crime and violent crime and visit a police station in Edinburgh, where we will meet police officers who are in the front line of our fight against crime.

**Mr Swinney:** Will the First Minister say whether any minister asked for his permission, under section 8.7 of the Scottish ministerial code, to speak on a reserved issue in this morning's debate on Iraq?

**The First Minister:** No.

**Mr Swinney:** I am surprised by that answer because I remember the First Minister and other ministers applauding South Africa's President Mbeki in June 2001 when he told members that the Scottish Parliament has a duty to make known its views on what is happening throughout the world. Assuming that the First Minister holds to that position, why did not he or any of his ministers take part in this morning's important debate?

**The First Minister:** As decision making on the matter that was under discussion is reserved to the Westminster Parliament, it was right and proper that the Executive did not have an agreed line. The two political parties that are in partnership in the Executive have distinctive positions on the issue at Westminster—they have better positions than some other parties. Those distinctive positions were expressed clearly in this morning's debate, which was good for the Parliament.

**Mr Swinney:** Does not the First Minister believe that it would have been better for the Parliament if Scotland's political leadership—in the form of the First Minister—had taken part in the debate, which was an important debate and which was held on behalf of the people of Scotland? I ask him to do one thing on behalf of many members when he meets the Prime Minister this afternoon: will he convey to the Prime Minister the widespread opposition of people in Scotland to military intervention in Iraq without clear evidence and a new United Nations resolution?

**The First Minister:** The topic is serious. This morning's debate was largely serious and was well

handled by those involved. The topic requires consistency and a serious approach from political leaders. However, on "Newsnight" on Monday night, I heard Mr Swinney say on the one hand that it was a matter of enormous regret that the Prime Minister had not given his absolute commitment to follow the direction of the United Nations but, on the other hand, that Mr Swinney would have to be persuaded by the evidence that the United Nations took in reaching a unanimous decision before he would support that decision. Political leadership is about consistency, honesty and clear direction. The Scottish National Party's contribution in this morning's debate would have been much more credible if those statements had been consistent.

#### Maureen Macmillan (Highlands and Islands)

**(Lab):** While not wishing to pre-empt the inquiry into the tragic death in Inverness of little Danielle Reid, whom her school believed to have moved to Manchester, I ask the First Minister to discuss with the Prime Minister whether guidance to schools should be put in place throughout the United Kingdom to ensure that when a child leaves one school for another, the receiving school must conform to a tight time scale for informing the other of the child's safe arrival. That would mean that the authorities would quickly be made aware of the circumstances when the school that the child has left receives no word.

**The First Minister:** I am happy to give Maureen Macmillan an undertaking that I will discuss that matter with the Prime Minister. I also assure her that Cathy Jamieson will discuss the matter with Charles Clarke, to whom I spoke on the telephone last night. During our conversation, I told him that we wished to discuss a number of outstanding matters with him.

I know that this is not necessarily the reason for what happened in the Danielle Reid case, but there is an issue about professional boundaries, the sharing of information and working together in the child protection system and children's services throughout Scotland and perhaps beyond. It is essential in modern Scotland that we put professional boundaries aside and that professional workers in the public sector work together in children's interests. No vulnerable child in Scotland should be allowed to fall through the safety net.

### Cabinet (Meetings)

**2. David McLetchie (Lothians) (Con):** To ask the First Minister what issues will be discussed at the next meeting of the Scottish Executive's Cabinet. (S1F-2401)

**The First Minister (Mr Jack McConnell):** The Cabinet will meet next Wednesday and will discuss important issues including health.

**David McLetchie:** Perhaps the Cabinet might also wish to discuss the First Minister's speech on public services, which he made on Monday in East Kilbride. He said:

"I will make the changes to tackle poor performance – and I will not let vested interests prevent improvement".

Yet today we learn that the First Minister swiftly backed down in the face of a powerful vested interest by secretly abandoning his much-heralded plan to set up a performance improvement unit. The unit was supposed to be a team of outside experts who would improve the delivery of our public services, but it never came to pass. Does not that show that, despite all the First Minister's talk, his commitment to genuine reform of our public services is only skin deep and that he will always take the path of least resistance in response to vested interests?

**The First Minister:** The point that was made in some of this morning's less accurate newspapers and by Mr McLetchie is untrue. Not only do we have experts from the private sector advising the Executive at the centre; we have external experts advising the Executive elsewhere. For example, they are working in the health department; in the development department, they are working on the Scottish passenger rail franchise and in other areas; in the finance and central services department, they are working on best value and public-private partnerships; in the education department, they are working on children's services, children's psychology and the teachers' agreement; and in the enterprise and lifelong learning department, they are working on higher education. As I promised in August, there are external experts working in a range of different areas of the Scottish Executive who are making a difference with their advice, and there will be more.

My commitment to reform in the public sector is absolute, and I advise Mr McLetchie that my approach will be not to privatise but to reform. The reforms in tackling crime and in improving education and health are all now making an impact.

**David McLetchie:** That is not what the First Minister said in August, as he well knows. Where is this voluntary body that is going to be private-sector led? Who is the chair of it, who is supposed to be from the private sector? Where is the cohesive unit that the Executive's spokesman was trumpeting at that time? The idea lasted about three minutes—not much longer than one of the First Minister's soundbites.

Given the miserable failure to produce the coherent unit that was supposed to transform public services, perhaps when you meet the Prime Minister, you might also explain to him why you

have no plans to follow any of the decentralising reforms that are being implemented by him and by colleagues down south; no plans to introduce foundation hospitals in Scotland; and no plans to increase the number of specialist schools to which our parents and pupils will have access. Is not all that lack of reform simply because the public service reforms that we badly need in Scotland come a very poor second to your own self-serving interests as a dithering First Minister?

**The Presiding Officer (Sir David Steel):** There were rather too many yours in that question.

**The First Minister:** Presiding Officer, I will try not to say "you", in deference to Mr Gallie.

There is an important dividing line in this chamber. The members of the partnership parties are absolutely committed to investment and reform in our public services. I am committed to that and I expect to see through our programme and to expand and develop it. That is in direct opposition to the policies of both Opposition parties.

Mr McLetchie said this week that I was

"unprepared to abolish the comprehensive systems of health and education which fail the most vulnerable in society the most."

That implies that he is prepared to

"abolish the comprehensive systems of health and education".

That may be the policy of the Scottish Conservatives, but I assure him that it is not the policy of the Executive partnership.

When we introduce reforms in our criminal justice system, our health service and our schools, they are designed to improve the opportunities that exist in Scotland, not to run them down. That policy of the Scottish Conservative party should be withdrawn.

**David McLetchie:** I do not know where the First Minister got that quotation from, as I do not recall saying that.

I can tell the First Minister—[*Interruption.*]

**The Presiding Officer:** Order.

**David McLetchie:** I can tell the First Minister that the Conservatives are committed to abolishing the comprehensively failing systems over which he presides and to putting in their place comprehensive reforms that will deliver better value for the taxpayer and better service for the people who use the services.

**The First Minister:** The press release of 14 January 2003, which was probably out of date before I even made the speech, says that I am

"unprepared to abolish the comprehensive systems of health and education".

I have added no words and none were taken away.

That is not the policy of the partnership Executive. Our commitment to the criminal justice system is not only to increase the resources of the Crown Office by more than 25 per cent in the next three years but to make reforms throughout the system that will deliver more convictions and prosecutions more speedily.

Not only are we committed to the biggest-ever increase in health expenditure that Scotland has seen but we will ensure that the health service delivers on that expenditure. Not only are we committed to the highest-ever level of education expenditure that Scotland has seen but we are committed to back that investment with reforms. Reform is taking place in our schools at the moment; it is driving up attainment and standards. That is what government in Scotland should be about; it should not be about abolishing comprehensive health or education.

### **Schools (Violence against Teachers)**

**3. Mr John Home Robertson (East Lothian) (Lab):** To ask the First Minister what the Scottish Executive is doing to tackle the issue of violence against teachers in schools. (S1F-2412)

**The First Minister (Mr Jack McConnell):** Excellent schools have first-class standards of behaviour and discipline. That is why we are investing in more staff and more facilities and in action to improve school ethos and school discipline.

**Mr Home Robertson:** Does the First Minister agree that attacks on public employees must not be tolerated? Whether those attacks are made on police officers, firefighters, teachers, national health service staff or anybody else, such behaviour needs to be tackled at the earliest possible stage. Does the Executive have plans for tougher action, including police involvement or more effective exclusion policies, to deal with disruptive or violent youngsters who are still school pupils?

**The First Minister:** The question involves two separate, but possibly related, issues. On the first point, I want to make absolutely clear, as I have done before in the chamber, my abhorrence of attacks on those who work in our public services, whether those attacks are made in accident and emergency units in our hospitals, or in our courts, police stations or schools. We must take all the action that we can to secure a reduction in those violent attacks.

We need to know where the attacks are taking place. Statistics show an increase in the recorded incidence of violence in our schools, but that is precisely because we have made the effort to

ensure that we have recorded the attacks accurately.

We need to ensure that discipline in our schools gets better and better, year on year. I want to make it absolutely clear to the chamber that a policy that says that we want to reduce the need for exclusions in schools is not the same as a target for reducing exclusions where they are needed or appropriate. In situations in which children have to be taken out of a classroom in order for the rest of the class to learn properly, they should be taken out of the classroom. I do not want there to be any doubt in any of Scotland's schools that that is what I am saying to them in the chamber today.

### **Cities Review**

**4. Robert Brown (Glasgow) (LD):** To ask the First Minister what action the Scottish Executive proposes to take following the cities review. (S1F-2403)

**The First Minister (Mr Jack McConnell):** Successful cities in Scotland are vital for economic growth and better opportunities. A new ministerial group will take forward the action outlined in our response to the cities review. A dedicated team of officials will support the cities in developing city visions and shall soon contact each of the local authorities that serve the cities to take that work forward in partnership with public and private partners in each city region.

**Robert Brown:** Is the First Minister aware that the cities review confirmed that funding patterns to support city infrastructure fall well short of needs, not least in Glasgow, as a result of land contamination, transport problems and economic development challenges? Does the Executive intend in future years to build on the welcome, but fairly modest, new moneys that it announced? Will he find ways of enhancing vital capital resources and utilising at least part of the £83 million surplus that is contributed by Glasgow's business rates to local government funding to help to deal effectively with the issues?

**The First Minister:** I am absolutely determined to deal with those issues effectively. We will do that partly through the city growth fund, which was announced last week. We will also do so by abolishing the controls on local authority capital borrowing. That critical change gives local authorities the right to invest what they can afford in their local infrastructure. We will also do that through the partial or full funding of major transport improvements, which will involve local authorities and the Strathclyde Passenger Transport Executive.

The most successful way in which we will deal with the issues is by ensuring that there is a plan

and a strategy in each city in Scotland that will take the city forward, recognising its metropolitan status and the way in which it serves its surrounding area through jobs and social and recreational opportunities. If we get those strategies in place and back them up, we can make our cities generators for economic growth.

**Mr Kenneth Gibson (Glasgow) (SNP):** Is it not the case that, while any additional resources for Glasgow are welcome, those resources, over three years, represent less than 1 per cent of the city's annual budget and are a mere fraction of the £330 million in aggregate external finance that has been cut from Glasgow since new Labour came to power? Does the First Minister agree with *The Herald* editorial of 9 January, which said that the review

"seems to have avoided or fudged all the hard choices, potentially leaving the neediest further behind"

or the *Evening Times* editorial of 12 December that said that

"the Cities' Review is essentially a non-event, a total turkey which holds no real cheer for Glasgow"?

**The First Minister:** Or with the *Edinburgh Evening News* editorial that said that Glasgow got everything and Edinburgh got nothing?

**Ms Margo MacDonald (Lothians) (SNP):** Hear, hear.

**The First Minister:** Indeed, Margo MacDonald's column—which is in the *Sunday Post*, I believe—said something similar.

Whenever a programme of work is announced that covers Scotland's six cities, each city will say that it wishes that it had had a greater share of the pot. That is only natural.

What is important is that the additional money that has been allocated is used well and that we arrive at a strategy and a vision for each city. The issue is not just about more money—more money is going into public services in Scotland's cities now than has ever gone into them before. There is more money for transport, education, health, infrastructure and quality-of-life improvements in Scotland's cities than ever before, but there must be proper, locally drawn-up strategies that the Executive can support and which will ensure that our cities can provide the necessary boost for their surrounding regions. Carping about money will not solve the cities' problems; putting in place a vision and backing it up will.

**Kate Maclean (Dundee West) (Lab):** Is the First Minister aware of the deep disappointment and anger felt by myself and other elected and non-elected representatives of Dundee due to the fact that the cities review did not address the important issues identified as contributing to Dundee's structural problems, particularly the

effect of Dundee's gerrymandered boundaries? Does he accept that the question that Andrew Welsh asked earlier gives an indication of the problems involved in the drawing up of regional plans? Will he agree to an urgent meeting to discuss the way forward for Dundee?

**The First Minister:** It is important to note that, as a result of the city growth fund and the vacant and derelict land fund, Dundee's financial allocation was more per head than the other cities received.

I do not believe that the solution to the problems in Dundee, at least in the short or medium term, is to amend the city boundaries. That would delay improvements and would distract people's attention from the real issue, which is to do with getting in place the right strategy for the city and the region.

It is important that the authorities that benefit from economic growth in the city of Dundee—including Perth and Kinross, Angus and Fife Councils—should support the infrastructural improvements that the city requires to ensure that both it and the wider area benefit in the years to come. I hope that, through ministerial intervention, we can ensure that that can happen. I am happy to agree to a meeting with Kate Maclean and her colleagues in order to achieve that.

### Scottish Manufacturing Steering Group

**5. Alex Neil (Central Scotland) (SNP):** To ask the First Minister what plans the Scottish Executive has for the future operation and membership of the Scottish manufacturing steering group in the light of recent developments. (S1F-2400)

**The First Minister (Mr Jack McConnell):** The Scottish manufacturing steering group was recently re-established under the independent chairmanship of Dr Chris Masters. I look forward to receiving its report in the spring.

**Alex Neil:** I draw the First Minister's attention to the words of Hugh Aitken, the vice-president of Sun Microsystems' operations in Europe and Asia Pacific, who resigned from the group last week. He said:

"I can't handle any more of these sessions. My head screams for a sense of urgency, a sense of change, a sense of innovation, a sense of what's best for Scotland."

In the light of yesterday's fairly disastrous results on manufacturing exports, which saw a drop of 25 per cent overall and a drop of 35 per cent in electronics exports, does the First Minister agree that the long-term strategy in "A Smart, Successful Scotland" now needs to be supplemented with short-term, urgent action to save our manufacturing industry from total destruction?

**The First Minister:** Committee meetings regularly make my head scream, too, so I am not surprised that others feel the same way. However, being in the chamber never makes my head scream.

There are two things to say. The situation in electronics in particular—but also the decline in manufacturing exports over the year—was and remains serious, and we need serious solutions to address it. However, it is also important that we do not allow ourselves to slip into assuming that the situation is therefore absolutely catastrophic for the whole of Scottish industry and the Scottish economy.

In the disappointing figures that came out this week there was also good news in chemicals, metals and other areas. Many of the engineers who previously worked in manufacturing are now selling their services abroad in a way that is just as positive for the Scottish economy and for links abroad as manufacturing exports and engineering ever were. We need to ensure that we get the right balance between comment and action on the figures and, at the same time, that we do not talk Scotland down.

When I meet the electronics companies in Scotland that remain here and want not only to invest in this country but to export from it, they say to me, “Do not talk down the electronics industry in Scotland, because we want to stay here and we want to grow stronger.” Let us strike the right balance and take the urgent action that is required, but let us also have a consistent, long-term strategy that can turn round the Scottish economy and help us to grow more quickly than we have done in the past.

**Mr Duncan McNeil (Greenock and Inverclyde) (Lab):** Although we all agree with the First Minister that future strategies for manufacturing are absolutely essential, does he consider that specific measures are required now to address the disproportionate impact that manufacturing decline is having on communities such as my own in Greenock and Inverclyde?

**The First Minister:** Largely because of some of the specific measures that have been organised through the partnership action for continuing employment network and in other ways, the good news yesterday—alongside the disappointing news about exports—was that claimant count unemployment in Scotland had dropped below 100,000 for the first time in 28 years. That was a considerable good-news story for Scotland, and reflects the fact that even in the worst year for the Scottish economy for a long time, unemployment in Scotland was retained at a stable rate and continues to decline. That shows the underlying strength of the Scottish economy. We need to build on that underlying strength in every area,

including Inverclyde, to ensure that we can benefit in the years to come.

**Miss Annabel Goldie (West of Scotland) (Con):** Scottish Engineering is a member of the Scottish manufacturing steering group. Peter Hughes, the chief executive of Scottish Engineering, is quoted in *The Scotsman* today saying, with reference to the Executive:

“They have failed to form a coherent environment policy, they have failed to form an integrated transport policy, and they have fuffed about for two years on business rates, which are still higher than in England.”

If the First Minister will not respond to the Conservatives, who have frequently expressed those sentiments in the chamber, how will he respond to Mr Hughes?

**The First Minister:** I have a lot of admiration for Mr Hughes, and I believe that Scottish Engineering does a very good job. I take his points very seriously, which is why in the Scottish budget for 2003-06 we have resolved to increase transport expenditure to a higher percentage of the Scottish budget than in previous years. We have also agreed to ensure that Scotland has investment in skills and education to ensure that we can benefit from the new kind of economy, of which we need to be a part. In addition, we have frozen business rates for next year in response to industry concern. Peter Hughes has been making those points to me for a long time. As First Minister, I believe that I have now responded.

**The Presiding Officer:** That concludes question time.

**Dennis Canavan (Falkirk West):** On a point of order. I was pleased to see, Sir David, that you allowed John Swinney to put a question on the international situation to the First Minister, despite the fact that it is a reserved matter. However, I seem to recall a previous ruling from the chair that although we are allowed to debate reserved matters in this chamber, we are not allowed to put questions to Executive ministers on reserved matters, for which they have no responsibility. Will you please explain that inconsistency?

**The Presiding Officer:** My recollection is that the substance of the question to the First Minister concerned who took part in this morning's debate. *[Interruption.]* Mr Swinney reminds me that the question was also about the ministerial code.

**John Young (West of Scotland) (Con):** On a point of order, Presiding Officer. Do you have the latitude to extend First Minister's question time for another three minutes, which would allow question 6—a crucial question—to be answered? If the Army and its firefighters go to Iraq and the firemen go on strike, there will be no one to cover fires in this country. In view of that, can Phil Gallie's question be answered?

**The Presiding Officer:** I sometimes use my latitude to extend a question that has begun before the half hour is up, as I did this afternoon. However, my latitude does not allow me to go beyond the business motion that the Parliament has agreed to, which says that the next debate should start at 3.30 pm. We are already five minutes late, so we must proceed to that debate.

## **Dog Fouling (Scotland) Bill: Stage 1**

**The Deputy Presiding Officer (Mr Murray Tosh):** We move to the next item of business, which is a debate on motion S1M-3241, in the name of Mr Keith Harding, on the general principles of the Dog Fouling (Scotland) Bill. I invite members who wish to participate in the debate to press their request-to-speak buttons now.

15:37

**Mr Keith Harding (Mid Scotland and Fife) (Con):** At the outset, I declare my registered interest as a member of Stirling Council.

It gives me great pleasure to invite the Parliament to approve the general principles of the Dog Fouling (Scotland) Bill. I place on record my gratitude and thanks to my researcher Alison Miller, whose enthusiasm and commitment have played a large part in the bill's reaching this stage. I also thank David Cullum, Alison Campbell and Ruairaidh Macniven of the Scottish Parliament non-Executive bills unit, without whose unstinting advice and support the bill would not have progressed from the initial idea.

I am pleased that the Local Government Committee supported my bill in its report and I am pleased that the minister and his officials have been so supportive as the bill has developed. I hope that the development of my bill will be a model for the way in which members develop their legislative proposals in the future.

I thank the Local Government Committee, its clerks and its convener, Trish Godman, for the constructive way in which they approached stage 1 and for their clear and informative report. The committee took evidence from people who represented a range of interests. The fact that not all those people were initially supportive has meant that although the committee's report supports the bill, it indicates some areas in which change would make it even better. I also thank those who gave written or oral evidence to the committee.

Dog fouling is a subject that attracts many complaints to our postbags. People complain that dog fouling is widespread and that nothing is done about it. Dog fouling affects people on the ground, perhaps to a greater extent than any other issue. One thousand tonnes of the stuff is produced per day throughout the United Kingdom.

Local councils and councillors receive many more complaints than we do. The restrictions that the current law imposes make many of them feel



powerless. The reality of the current law is that dog fouling cannot be a priority for the police. It should not always be a police matter and it seems inappropriate to criminalise offenders, at least in the first instance. My short bill addresses all those problems.

The bill replaces the relevant provisions of the Civic Government (Scotland) Act 1982, which made it an offence to let one's dog foul, with provisions that make it an offence to fail to clear up after the dog has fouled. That is what we want to achieve—the removal of offending material. The bill will mean that the residents of Edinburgh's Fowler Terrace will no longer describe their street as being aptly named—as was reported to me by a former resident of that inner-city tenement area. Dog fouling is a blight wherever it is not prevented.

The bill provides for the requirement to clean up to apply to virtually all public open places. It will cover almost any place to which the public or a section of the public has access. That includes areas where dog fouling results in many complaints, such as common back greens and gardens, all public parks and recreation areas and all pavements and roads. One person described the proposed area as "clear and acceptable".

I am pleased that the committee has accepted the need for that wide definition. That allows enforcement to take place where there is a problem and where people complain. It also gives councils a wide discretion so that they can tackle problem areas.

The person responsible for clearing up is the person who is in charge of the dog at the time, regardless of whether that person is the owner. However, the bill continues to ensure that there are exemptions for those who are blind and adds a new exemption for persons who have a disability that affects their ability to clear up where they are in charge of dogs that are trained to assist them with that disability. In practice, such people are not the problem, as they tend to behave responsibly. Other exemptions are provided for the dog itself, particularly where the dog is a working dog. For example, exemptions will be provided for police dogs when they are on duty and for emergency rescue dogs—again, when they are working.

As I said, a major problem with the current legislation is that the police have other priorities that are more pressing. Another problem is that prosecution must go through the procurator fiscal and into the busy court system. My bill will largely change all that. The police will, if they wish, still be able to take enforcement action on the new offence, but I envisage that the bulk of enforcement will be carried out by local councils. That seems entirely appropriate, given the fact that councils receive the bulk of complaints. The bill gives councils the means so that, if they wish, they can tackle dog-fouling problems.

I say "if they wish" not because councils can opt out of the legislation—they cannot—but because it will be a matter for local councils to decide on the relative priority to be given to dealing with dog fouling and to allocate resources accordingly. In doing that, as with all their activities, councils will be accountable to the local population. If there is a demand to address the problem of dog fouling in a particular area, my bill gives the council the means to do so quickly, effectively and in a cost-efficient manner.

Under my bill, councils are required to authorise at least one person, and are given the power to authorise any number of other persons, to issue fixed-penalty notices to offenders. They can authorise existing staff, such as dog wardens or perhaps cleaning staff—who, after all, must currently clean it up. As with all activities, councils will need to provide adequate training and supervision for their staff.

Unlike under the current law, there need be only one witness to an offence for a penalty to be issued. I am again grateful to the committee for its thorough consideration of the adequacy of that provision. The committee's conclusion was that there are enough safeguards in place to make a single witness sufficient.

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** Will the member outline what those safeguards are?

**Mr Harding:** They are incorporated in the bill and in the policy memorandum.

**Mr Rumbles:** What are the safeguards?

**Mr Harding:** The member should read the bill and the policy memorandum, but what safeguards is he talking about?

**Mr Rumbles:** The safeguards of which Mr Harding has just said that there were enough.

**Mr Harding:** The matter is dealt with in the policy memorandum and is too complex. The point is that there are sufficient safeguards so that there can be no witch-hunts against individuals or other criminal activities. Later in my speech I will deal with the question whether the person issuing the notice will be safeguarded, but that will be covered by the amendments that the Executive will lodge, which will improve the situation. There are many issues surrounding safeguards, but they are all in the policy memorandum—I recommend to Mr Rumbles that he read it.

Fixed penalty notices can be issued on the spot, or at a later date. Under the bill as it stands, such notices must be issued within 48 hours, but in line with the committee's recommendation, I will seek to amend that period to within seven days. However, I hope and expect that most notices will be issued on the spot.

The bill sets the penalty at £40, which must be paid within 28 days. Otherwise, it automatically increases to £60. If the penalty is still not paid, the council can immediately start enforcement action. There is no necessity to involve the courts at all.

If a person wants to contest the issue of a penalty notice, they must request a hearing within the initial 28 days. That request is passed to the procurator fiscal. It then becomes a matter for the criminal process, and ultimately for the courts, to decide whether the offence was committed. If the person is found guilty, they will have a criminal conviction.

As I have indicated, from the early days the minister has been extremely supportive of the proposals in the bill. That support has led to various order-making powers being incorporated in the bill.

I am also grateful to the Subordinate Legislation Committee for its consideration of the proposals and its helpful suggestions as to the appropriate powers that should be granted to the minister. Those powers relate to altering the amount of the penalty, the contents of the notice that is issued and the number of days that will be allowed to pay the penalty. I will lodge the necessary stage 2 amendments to allow the requests from the Subordinate Legislation Committee to be considered.

I do not want to give the impression that my sole motivation is catching and penalising offenders. I doubt that the bill alone would eradicate the problem if that was all that was being aimed for. It is essential that the education of dog owners be given high priority. The Local Government Committee and I are delighted that the Executive will commit substantial resources to a public education campaign. Such a suggestion featured in evidence to the committee and also in replies to my consultation exercise. Only through the twin approach of education and enforceable penalties can dog fouling be efficiently addressed.

I turn briefly to a couple of other amendments that will be lodged at stage 2. Both flow from discussions with the Executive and are concerned with enforcement. One of the issues raised during the consultation was the potential problem for enforcement officers when offenders refuse to give their name and address. Unlike the police, such officers do not have powers to insist on details and it was not considered appropriate to give them such powers. However, the minister has indicated that the Executive will seek to add a provision to the bill so that the obstruction of officers who are authorised to issue fixed penalties will be a criminal offence. That should go a long way to preventing such problems from arising.

The other stage 2 amendment that I will lodge will seek to provide an appeal mechanism where

there is a dispute between the recipient of a fixed-penalty ticket and the local council. My proposed amendment will cover disputes that could arise only in two circumstances: where a person claims to have requested a hearing but the council deny that; or where a person claims that they have paid the penalty within 28 days but the council nevertheless increases the penalty for non payment. I am sure that neither situation will ever arise but, just in case, the proposed amendment will seek to provide a means of resolving the dispute.

I conclude by urging all members of the Parliament to support my bill and to show that we can make a difference to the lives of our constituents with such a small measure.

I move,

That the Parliament agrees to the general principles of the Dog Fouling (Scotland) Bill.

15:47

#### **The Minister for Finance and Public Services**

**(Mr Andy Kerr):** I, too, declare an interest as a citizen who has often come across this problem and as a parent who spends too long at the sink—in the utility room, I hasten to add—trying to clean the kids' shoes after a spoiled visit to the park. I also declare an interest as a constituency MSP. Keith Harding has already spoken about the amount of mail about the subject that we get in our mailbags. I used to work in the cleansing service and the department had to deal with this very difficult issue. Clearly, Mr Harding has identified a problem with the current legislation and the Executive shares that view.

**Tricia Marwick (Mid Scotland and Fife) (SNP):** Does the minister's wife have the same habits that I do? When my children came in with their feet covered in it, their shoes were left at the back door for their dad to deal with when he got home at night.

**Mr Kerr:** That is absolutely the case. Perhaps we should have a vote in the chamber to see whether that habit is universal. Clearly that is an educational point that Tricia Marwick's mother has passed on to her.

**Bruce Crawford (Mid Scotland and Fife) (SNP):** It is in the genes.

**Mr Kerr:** As Mr Harding has pointed out, the bill is a private member's bill, which is a process of which the Scottish Parliament should be proud. The issue might not be the biggest issue in Scotland and it might not be on the tip of everyone's tongue at the moment, but it affects the quality of life of our communities and we are therefore happy to support the bill.

I thank Mr Harding for the work that he has done with Executive officials. The bill is an exemplar of good practice in such matters. The non-Executive bills unit has also worked extremely hard to get the bill together. I thank Peter Peacock for his work at the Local Government Committee and I thank the committee, which worked very hard in its consideration of evidence on the bill. The bill is an excellent example of people working together and I hope that, with the support of the Parliament, we will have much improved legislation to tackle dog fouling.

I read with interest the committee's stage 1 report, which welcomes the policy intention of the bill and recommends that Parliament approve its general principles. The Executive endorses that view. Mr Harding's bill has coincided with the Executive's own review of existing dog fouling provisions, which we recognise as not being as effective as they should be in dealing with this annoying and disgusting problem.

We collectively worked our way through the draft bill and agreed the principles that it should contain prior to its introduction. Some changes have been agreed to following consideration of the bill by the committee, and they will be made in the form of amendments at stage 2 in a few weeks' time.

Under the current legislation there are considerable problems with the nature and extent of the offence, the lack of enforcement and the difficulties involved in obtaining evidence. All those issues have been addressed in the bill and the Executive therefore supports its general principles. The bill changes the emphasis from an offence of allowing a dog to foul to one of failing to clean up after it. The bill extends provisions to all public places and allows both the police and local authorities to enforce those provisions by way of fixed-penalty notices as an alternative to reporting offences to the procurator fiscal. It also removes the need for corroborative evidence.

Those who assisted in the development of the bill included Mr Harding himself, of course, through his consultation; the informal focus group that was established by the Executive, which comprised local government officials; those who gave evidence to the committee; and the committee itself. They all overwhelmingly supported the general principles of the bill.

The deliberations that took place resulted in concerns being expressed over the ability of local authority officers to enforce the proposed provisions. To assist those officers in that enforcement, we agreed with Mr Harding that it should be an offence to obstruct a local authority officer. The committee was advised of that when the Executive and Mr Harding gave evidence, and we will lodge an appropriate amendment at stage 2.

I was delighted to hear that the issue of owner education was raised during the committee's deliberations. We all support that in the context of the carrot-and-stick approach that is being adopted in the proposed legislation and in the debate around it. It is not only with the new legislative base that we are seeking to approve in the Parliament but by educating the dog-owning public that we can truly make a positive impact on the dog fouling problem.

Enforcement will undoubtedly play a part, particularly when the new provisions come into effect, but we also need to educate and encourage dog owners to change their attitudes and to act more responsibly. The Executive's commitment on that is clear. We have committed £100,000 to a publicity campaign, which should be delivered when the bill is passed, if that is what the Parliament decides to do. Our campaign will alert the public to the new legislation and will stress the importance of responsible dog ownership with regard to fouling and the positive impact that that will have on the quality of life of our communities. Given the problems that councils have with dog fouling, I know that I can rely on their support to work with the Executive in making the campaign a success.

Tackling the problem of dog fouling is an integral part of our wider quality-of-life initiative. The Executive is determined to do what it can to stamp out dog fouling and to encourage more responsible dog ownership. I hope that what I have said outlines why the Executive fully supports the principles of Mr Harding's bill, and I sincerely hope that it will have the necessary cross-party support to complete its passage successfully before the end of the session.

15:53

**Tricia Marwick (Mid Scotland and Fife) (SNP):**

I congratulate Keith Harding on his determination in introducing the Dog Fouling (Scotland) Bill and on persuading the Executive to support it, which was no mean feat.

I regret that it has been necessary for an individual member to introduce the bill in the first place. I have said this before and will say it again, because it is worth repeating: the measures contained in the bill, along with proposals to tackle litter, fireworks and so on, could all have been accommodated in a new civic government bill to replace the Civic Government (Scotland) Act 1982. It is regrettable that, at the end of almost four years and after considerable work has been undertaken by the Convention of Scottish Local Authorities, the Executive has not introduced such a bill and that we are not discussing that instead today.

That is not to take away from Keith Harding's determination or from the worthiness of the bill before us. COSLA is considering civic government proposals, but it recognises that they will be a long time coming and that a stand-alone bill will find support more quickly.

Everybody acknowledges that the current legislation is inadequate and does not work. To the huge frustration of councils and councillors, the legislation is clearly inadequate to deal with dog fouling and has been so probably since the hour that it was drafted. That is why it is right and proper that the Parliament should discuss the bill. I know that members and people outside the Parliament are wondering or turning up their noses at our discussion of something that they might not consider important, but the Parliament is about legislating and it is for the Parliament to put in place the legislative framework to allow councils to undertake the job that citizens expect them to undertake.

Changing the emphasis from an offence of allowing a dog to foul to one of failing to clear up after a dog has fouled is the proper way to go. It is a pity that previous legislation did not make that big leap. If it had, perhaps we would not have had the problems with implementing it.

The bill proposes that fixed-penalty notices should be issued. Keith Harding has said that he will consider an amendment at stage 2 to ensure that the time limit for issuing a fixed-penalty notice is seven days and not 72 hours, which is the limit in the bill. I commend Keith Harding's willingness to consider amendments, which is to his credit. He and the rest of the members who are in the chamber genuinely want a good bill. I commend Keith Harding for working to achieve that.

The bill gives local government officers the power to issue fixed-penalty notices. That is a major new power that is a precedent for future legislation on a subject such as litter. Just as the emphasis on dog fouling has changed, so will allowing council officers to issue fixed-penalty notices in other circumstances be the leap that is needed to ensure that legislation on a subject such as litter is enforceable. I commend Keith Harding for introducing such a provision.

**Mr Rumbles:** Does Tricia Marwick not feel that the bill is little too blasé and that someone's guilt is to be decided casually? Is Keith Harding seriously suggesting that a council official who simply has "reason to believe" that someone is guilty of an offence can issue a fixed penalty? Does Tricia Marwick suggest that we should go down that route on other issues, too?

**The Deputy Presiding Officer:** Tricia Marwick's speaking time is almost up.

**Tricia Marwick:** I have hardly started.

**The Deputy Presiding Officer:** You took an intervention in your last minute.

**Tricia Marwick:** What a fool.

The bill contains provisions that allow challenges to be made. As Keith Harding said, the member should read the bill more closely.

I will deal with one potential problem in the bill. After the Local Government Committee's stage 1 report was published, I received several letters and e-mails about one feature of the bill. Mr Alex Lawson and Bruce the dog of Glenrothes are concerned about the areas of ground that the bill will cover. Mr Lawson and the Scottish Society for the Prevention of Cruelty to Animals believe that the term "public open place" is too wide. It will include areas of wilderness such as hills and mountains, as well as rough ground and woodlands. I am now sympathetic to that view. I acknowledge that the committee—of which I am a member—and Keith Harding are satisfied that the phrase "public open place" is narrow, but I urge Keith Harding and the Executive to reconsider that and to see whether amendments can be drafted to meet the concerns of responsible dog owners such as Mr Lawson.

**The Deputy Presiding Officer:** I do not want to hound members too much, but we started late and we are short of time.

15:59

**Mr David Davidson (North-East Scotland) (Con):** I am delighted to congratulate my colleague Keith Harding on introducing the bill for debate today. Like him, I am a dog owner, and I am also interested to see whether another piece of potential Conservative legislation will pass through the Parliament.

I thank the minister for his support, because he and Peter Peacock in particular have been supportive, accommodating and helpful. It is the will of the Parliament—the Executive and back benchers combined—to produce a piece of legislation for Scotland that is practical and can be sensibly delivered.

Regardless of the legal wording, the bill's objective is responsible dog ownership and it recognises that some people fail in that. As the saying goes, a dog is not just for Christmas. The dog is not the nuisance; the owner's lack of control becomes the nuisance.

The bill is practical and radical and I suspect that it will be popular when it finally gets through the system. I believe that only a fool with little regard for public concern about the issue or for the health of young children could argue against its principles. Its ease of application by council staff and the minimisation of the use of the police and the court system are in its favour.

The problem of dog fouling is important to many people. I have had many approaches from constituents and community councils throughout Scotland on the matter. Last year, a deputation came to see me at a surgery in Laurencekirk and claimed that dog fouling was ruining the safe use of playing fields, parks, children's play areas, footpaths and green spaces in their community. Laurencekirk is not the only community to raise the issue. People in Stonehaven have said the same about Forestry Commission walkways—not so much among the trees where the dogs run loose, but the walkways themselves. People are getting a bit fed up. I investigated the complaints and, if anything, I found them to be understated.

What is the point in our arguing to get play parks reopened when no one will use them if they are covered in dog fouling mess? I, like Andy Kerr, have had to stand at the back door and wash off the children's wellies.

**Bruce Crawford:** The member will not be able to manage that with only one arm.

**Mr Davidson:** I will not manage it at the moment, but I have a sick note.

Why should young children, who are vulnerable to infections that can be transmitted through dog excrement, have to lose out because of careless people who give dog owners a bad name? Dogs are vital to many people, as they provide company and can be working dogs. In the main they are looked after well; the bill is aimed at the few. On community sports pitches we might find litter, or glass, or even discarded hypodermic needles, but I guarantee that almost every one has dog excrement on it.

The bill would give councils the chance to take action. When I spoke to representatives of Aberdeenshire Council, they said that they were desperate for reasonable powers to address a nuisance that they feel frustrated in trying to deal with. The dog wardens will do their work and they will be sensitive in how they go about it. I am certain that the dog wardens in Aberdeenshire will not just try to collect tickets, because the scheme is not a revenue-creation scheme; it is a fiscally neutral scheme and it is about having the power to take action where it is absolutely necessary.

I congratulate Keith Harding, as Tricia Marwick did, on viewing the next stage of the bill with an open mind. We acknowledge that he is willing to accept meaningful changes and additions to the bill, so that it becomes a bill of the Parliament.

Councils would need to go further than considering only dog wardens. Village orderlies, who know who the troublemakers are in many cases, would be able to take action.

The education part of the bill is vital and I congratulate the Executive on its offering the

money for the education programme. Without that, there would be only another set of penalties. We want to change the culture, which Keith Harding has set about tremendously. He has acknowledged all those who assisted him in the process and we are happy to thank all those who have been involved in getting the bill to this stage.

This practical bill will bring benefits to our communities. It will help to win back open spaces for all, but at the same time it acknowledges that responsible dog owners are still free to exercise their dogs, as many of them already carry bags and pooper scoopers with them.

Keith Harding said that the legislation was about education and enforcement. I think that the essence of it is education. The changes in evidence requirements, the saving of police and court time, the availability of the procurator's office as a long stop in extreme cases, and the sensitive exemptions in the bill demonstrate that it is well-crafted legislation. As I have already said, Keith's willingness to accept amendments remains an open offer to the Parliament.

I congratulate Keith Harding and commend the bill to members. I ask for the chamber's support, not only in agreeing to the bill's principles today, but in placing it on the statute book before Parliament is dissolved.

16:05

**Iain Smith (North-East Fife) (LD):** It is tempting to come out with a load of terrible puns, but I shall try to avoid it. Dog fouling is serious and it merits serious debate.

I congratulate Keith Harding on introducing the debate. I hope that he becomes one of the select band of people who have succeeded in getting a member's bill on the statute book. I wish him success as the bill passes through stages 2 and 3.

We had an important debate this morning, but we should not underestimate the importance of this debate because, as members have already implied, it affects everyone who walks the streets of this country. I should be careful about using the phrase "walks the streets", given the business being considered by the Local Government Committee. Anyone who has ever been a local councillor knows that the bill addresses an issue about which the public regularly raise concerns. When I was a councillor, my area frequently held community council meetings.

I was delighted to be a regional councillor for most of my time in local government—dog fouling was the responsibility of districts and I did not really have to deal with it. However, the issue has come up time and again. One of the problems was that the existing legislation was inadequate and

did not improve the situation, which is why the bill is particularly welcome.

Members have already mentioned the problems with the existing legislation: because it made dog fouling a criminal offence, corroborative evidence was required and only the police could enforce it. Indeed, the offence was simply allowing a dog to foul, which itself made the provision more difficult to enforce. It is also important to bear it in mind that the offence was restricted to limited areas. For example, people could allow their dogs to foul on the roadway, but not on the pavement. That caused problems, because the matter became a question of defining whether a particular area was a legitimate place to allow a dog to foul.

Keith Harding's bill addresses many of those issues and would make the legislation easier to enforce. That is helped by the bill's seeking to shift the offence from being a criminal to a civil one, if we accept the fixed penalty aspect. That step will remove the need for two corroborating witnesses, which is one of the biggest problems in enforcing the existing legislation. Members who have doubts about that should bear it in mind that it is almost impossible to find those witnesses.

Most people will not be concerned by the introduction of fixed penalties. After all, people in Edinburgh have accepted the introduction of fixed penalties for litter offences under the Environmental Protection Act 1990. Furthermore, the legislation will be easier to enforce because the offence will centre on a person's failure to clear up the mess rather than on a person's allowing a dog to foul.

We must also remember that the bill is written as enabling legislation. It will not tie the hands of local authorities; instead, it will give them a great deal of discretion about how to implement its provisions. It is quite important that decisions on the number of designated officers, who those officers will be and the extent to which the matter will be prosecuted should be left to the discretion of local authorities. However, as the Local Government Committee has pointed out, it would be helpful if local authorities were provided with guidance on best practice on some key issues such as where to exercise discretion.

That brings me to amendments to the bill. Some members will have received an e-mail today from the Scottish Society for the Prevention of Cruelty to Animals about companion dogs for elderly or disabled people or others who are unable to clear up mess. In fact, under Keith Harding's bill, failure to clear up a dog's mess will not be an offence if a person has a reasonable excuse—for example, if they have a disability. However, local authority officers should have the discretion to be sensible about these issues and to take account of individual circumstances in any one case. Tying

people's hands by trying to define disability in any way would simply be nonsense and would make things very difficult.

I am pleased that Keith Harding has accepted the committee's advice that 72 hours is not sufficient time for the issue of a fixed penalty notice and agreed to change that to seven days to take account of things such as public holiday periods.

I am also pleased that the Executive has indicated a willingness to lodge an amendment that will make it an offence for a member of the public not to co-operate with a designated officer by giving their name and an address to which a fixed penalty notice can be issued. Those are important amendments that will make the bill even better.

It is important to recognise, as Keith Harding and the Executive have done, that education is part of the package. It is to be welcomed that the Executive has indicated that it will allocate £100,000 towards an education programme.

I support the general principles of the bill, the contents of which have been Liberal Democrat policy for many years. I hope that all Liberal Democrats will support the bill today and I congratulate Keith Harding once again on proposing it.

**The Deputy Presiding Officer:** We move now to the open part of the debate. Time will be tight if I am to get everybody in. Speeches of four minutes, please.

16:11

**Trish Godman (West Renfrewshire) (Lab):** I congratulate Keith Harding on the bill and thank him for introducing it. I also thank the ministers, Local Government Committee members and the staff that service the committee for their hard work.

There are those who sneer at the Parliament because we concern ourselves with what they regard as trivial legislation, such as the Dog Fouling (Scotland) Bill. However, as Iain Smith and Andy Kerr have said, it is a safe bet that those lofty-minded critics have never been councillors and hence have never had to face angry constituents demanding that they do something about the selfish behaviour of so-called dog lovers. That might not be the reason that brings constituents to our surgeries, but I assure members that, as those constituents leave, they will say, "And another thing, what are you going to do about that dog mess in the street?"

Dog fouling is not simply a trivial irritant caused by selfish dog owners, a significant number of whom do not give a damn about their neighbours or anybody else. It is a serious health hazard,

particularly where young children are concerned. Richard Simpson will say more about that and indeed, will be able to pronounce the words that I find completely unpronounceable.

Dog faeces contain, among other things, parasitic worm eggs. If those eggs find their way into the human hand, there is a risk of their being ingested. That can lead to tissue damage and, in some severe cases, permanent loss of sight. Therefore, dog faeces—particularly in public places—pose a serious risk to children who might be playing in the area.

It is clear that current legislation is inadequate to deal effectively with the problems of dog fouling and that enforcement is difficult. Enforcement lies with the police, who rightly have competing priorities. There is frustration that local authorities cannot tackle the problem unilaterally. It is also clear that best practice should involve a method of enforcement and the education of dog owners. As Iain Smith said, most important is the change of emphasis: the offence is no longer allowing a dog to foul in certain places, but not picking up afterwards. All witnesses supported that change.

When addressing exemptions, the committee was clear that dog ownership is beneficial to older people in encouraging exercise, for example, and to many others who have pets as companions. We did not wish to introduce a bill that would mean that people felt that they had to give up their dogs. We accepted that some people might find it difficult to clean up after a dog, but we were content with evidence that an officer's discretion should deal with that in the first instance. It was the evidence of witnesses that, if there were a justifiable reason, procurators fiscal would not pursue.

I turn now to education because I believe that that is the nub of the matter—education sooner rather than later. There was unanimous support in our evidence sessions for a public education campaign. There were strong arguments from the Royal Environmental Health Institute of Scotland for an amendment to include a requirement on local authorities to engage staff to fulfil an educational role in addition to their enforcement role. COSLA gave us examples of Renfrewshire's joint protocol on litter and dog fouling—a project adopted by the police and the local authority environment department that is very successful.

I believe that we need to get the message over early in schools. Central park in New York was, for many years, absolutely infamous for the mess that dogs were leaving. Those of us who have seen "Marathon Man" will know that he ran round and round the park, which was a pretty dirty place to be. It was a serious problem. Dog owners are now accepting their responsibilities and picking up after their dogs. That change came about after a

comprehensive education programme in schools, with lots of publicity and well-known public figures being shown walking their dogs and picking up afterwards. It was an active, lively campaign.

Let us help local authorities to keep our streets clean and free from a serious health hazard, and let us sort out our uncaring dog owners. I urge members to support the bill.

16:15

**Ms Sandra White (Glasgow) (SNP):** After today, no one will be able to say that this Parliament does not debate diverse issues. I congratulate Keith Harding on introducing the bill and on all the work that he and his assistants and researchers have done. I also thank him for coming along to the Local Government Committee to give coherent evidence and for allowing members to question him, sometimes quite ferociously, if I can use that word in this context.

Many members have picked up on the health issue, which is probably one of the most important. Young children are prey to the problem, but so are elderly people or those who may have an illness. Trish Godman outlined some of the illnesses that people can get from dog faeces. However, one of the problems of standing in dog faeces or getting it on one's hand is that the symptoms of a resulting infection might include headaches and aching limbs, and people often do not realise before it is too late just how serious those symptoms can be. I hope that the education that is proposed by the Executive and by Parliament will make people aware that touching dog faeces is very unhealthy.

I welcome the bill, but there are a couple of provisions in it on which I questioned Keith Harding and other witnesses. One was the enforcement issue, which other members have raised, particularly with regard to elderly people. I know that some people, including blind and partially sighted people, are exempt, but I worry about people who are elderly. Most elderly people do pick up after their dogs, but I hope that, if they cannot, enforcement officers will look on them kindly.

Another category of people that has not yet been mentioned is children under 16 years of age. I have some difficulty with the bill's provisions in that respect, as I mentioned in the committee. I hope that those children and their parents will not have a criminal record if they are persistent offenders. I have been told by councils and by other committee members that the enforcement officers will be lenient, questioning children and taking them to their parents. However, we must beware of the enforcement issue with regard to elderly people and children under 16, and particularly children under eight. That is something that we must keep a careful eye on.

I was also concerned about the costs. I am sorry to bring up again points that I raised in the committee, but COSLA and councillors also raised the issue. The proposed cost is £6,630 for 32 local authorities. I do not think that that will be enough, but I do not blame Keith Harding for that. I call on the Executive to provide more money for literature and education if councils want it. The Executive and the Parliament should look favourably on such requests. The proposed total works out at around £207 per local authority, and that is really not enough.

The education issue is probably the most important, as all members have said. As a dog owner, I always take a bag and a poop-scoop, but I know how awkward it can be if my dog embarrasses me and I happen not to have a poop-scoop or bag. The first thing to do is to look for a piece of litter, on a tree or lying on the street, to wipe it up, but there is an embarrassment factor involved in that. Getting over that comes from education. I welcome the £100,000 that the Executive has pledged for an education programme, and I welcome the bill, which I am sure will be enacted diligently. Once again, I congratulate Keith Harding on introducing it.

16:19

**Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD):** There is no doubt that the problem of dog fouling needs to be tackled, and tackled effectively. I am pleased that the Scottish Executive will be providing £100,000 for the education programme to help to deal with the problem.

As we have heard, changing the law to tackle the failure to clean up after deposits have been made is commendable. It is absolutely right to do so, rather than leave the law as it is, but I have some questions that I hope Keith Harding will address in summing up.

First, I am concerned that the bill may have too wide a scope. The Civic Government (Scotland) Act 1982 deals with dog fouling on footpaths, grass verges, pedestrian precincts, children's play areas—David Davidson has already mentioned what the law covers—designated sports and recreational grounds. The Dog Fouling (Scotland) Bill seems to apply to any public place, including country roads. I live in a rural area. When I take my two cocker spaniels out for a walk, I often have to pass through cows' and horses' muck, which is splattered all over the place. I do not mind that, as that is what living in the country is all about. However, if someone's small dog performs and that is not cleaned up, under the bill they would become a criminal who is liable to a fine. I simply draw the comparison between what happens in the countryside and what is mentioned in the bill.

**Mr Kerr:** Does the member give any credibility to our local government officials, local government employees and the councillors who represent the community? What the member has described will not happen. The bill is designed around the urban environment and environments where people choose to walk with their kids. As with other public services, public servants will make the right decisions rather than ludicrous decisions such as those that the member mentions.

**Mr Rumbles:** That is very trusting. I am glad to hear that the proposals will not apply in rural Scotland—the minister has guaranteed that.

Secondly, I am concerned about what seem to be rather authoritarian enforcement procedures in the bill. Section 1(4) states:

"In any proceedings for an offence under this section it shall be lawful to convict the accused on the evidence of one witness."

Surely that challenges a principle of Scots law. Unlike the law of England, corroborative evidence is required. I do not particularly like such anglicisation of Scots law.

**Bill Aitken (Glasgow) (Con):** Will the member give way?

**Mr Rumbles:** In a moment.

In addition, I do not particularly like the rather casual way in which someone's guilt is to be decided. I know that ministers trust council officials implicitly, but is Keith Harding suggesting that a council official who simply has reason to believe that a person is guilty of an offence can issue a fixed penalty?

However, that is not the best example of Keith Harding's approach in the bill. I refer to COSLA's evidence that the bill might breach the European convention on human rights. Article 6.2 of the ECHR states that there should not be any penalty for pleading not guilty to any offence. Under the bill, any individual who requests a hearing after receiving a fixed-penalty notice forgoes a penalty of £40 and faces a penalty of £500 if they take the case to court. That cannot be right. However, I note that the committee's report says that Keith Harding has agreed to lodge amendments at stage 2 to tackle ECHR concerns and I hope that he does so.

I am terribly short of time, but I want to say that the bill is a useful exercise. It is necessary. It changes the basis on which an offence is created, but there are substantive points about evidence gathering, corroboration and enforcement that need to be tackled. I also take Sandra White's point about under-16s and do not particularly like what is in the bill in that respect. I heard what the minister said, but the bill makes terrible assumptions about what officials will or will not do.



The Parliament must look to the letter of the law that is before it.

16:23

**Dr Richard Simpson (Ochil) (Lab):** The bill is welcome and practical. It will ensure greater protection for our environment and greater public health protection. It is clearly not an anti-dog bill. It recognises that dogs as pets and working animals for people such as the blind play an important role in our society. The affectionate support that dogs give to their owners can sometimes be crucial in maintaining the mental health of owners, in times of serious loss, for example. The bill recognises the particular needs of elderly people.

As Keith Harding said, dogs produce many tonnes of excrement—perhaps 80 tonnes per day in Scotland—and it is obvious that that has significant environmental consequences.

I congratulate Keith Harding on tackling the issue. When we look back in 10 years' time, we will see that the proposals have been one of a number of proposals that have changed things in Scotland significantly. Therefore, anyone who sneers at the bill does so at their peril.

It is not only councillors with whom the matter is raised. I do roving street surgeries regularly in my constituency and apart from youth crime, this is the issue that comes up most. It affects our citizens markedly.

I say, in particular to Mike Rumbles, that the bill is correct in its wide definition. The bill is not about defining areas in which dogs can or cannot perform; it is about the responsibility of owners. A wide definition is therefore entirely appropriate.

I will concentrate on the medical consequences of a failure to manage dog excrement. Dog faeces are associated with a parcel of medical problems. In almost 30 years of practice, I was repeatedly faced with children who were diagnosed as having worms; a distressing and irritating condition that gives considerable anxiety to parents who do not know why their child is suffering from abdominal pain.

The consequences of that relatively mild condition are nothing compared to what can happen with larval migration. Toxocariasis can cause blindness, damage to the body organs, asthma and pneumonia. The incubation period is not a short one; it can often be quite long. The problem is therefore often not associated with dog excrement so the recording of this happening is, in my opinion, poor. Toxocariasis can cause blindness in some cases—the effects can be serious.

There are also serious consequences for two other groups of people. One group is those who

are disabled and use manual wheelchairs. They face considerable risk associated with dog excrement. The other group is pregnant women. The foetus may suffer severe consequences from infection from salmonella; campylobacter, which is now far more widespread in our society; leptospirosis canicola; and E coli 0157 which, as members know, can be fatal.

The management of dog excrement is not trivial; it is an important issue of public health. The Local Government Committee has been very supportive of the principles of the bill—I joined it after it had considered the evidence—and stated clearly in its stage 1 report that the current legislation is inadequate. The provision of £100,000 for education is welcome and there is a proper and appropriate balance with enforcement. As the minister said, the balance struck in working with the Executive and the committee on the bill is an exemplar and a model for members' bills. I think that the bill has got it right.

I believe that fixed penalty notices should be extended. It is welcome that we are using such notices in relation to this matter. We should trust well-trained officials within the local authorities. Their training, which has not been mentioned, is important and should satisfy Mike Rumbles's point. I hope that that matter will be taken care of.

I welcome the bill and the Local Government Committee's report on it. I hope that there will be unanimous support for the principles of the Dog Fouling (Scotland) Bill.

16:28

**Colin Campbell (West of Scotland) (SNP):** Richard Simpson made a point that I was going to make myself, which is that in a number of years the legislation that is proposed today will be seen to be normal. I remember when going to and from school on the tram as a kid—which kind of dates me—seeing a notice that said "Penalty for spitting 40/-." Nobody spits on public transport now. The reason for the notice being there was that people had done that and spread tuberculosis and every other nasty that can be imagined all over public transport. A shift took place because of legislation for something that seemed, on the face of it, quite minor.

I recall having a summer job in the store, where the supervisor said, "Take that cheese in the muslin to the sink and scrape the muslin off." I took the enormous farmhouse cheese to a brown, tea-stained sink and with a rusty knife I scraped off all the muslin. I then divided it up into cheese that people bought. I presume that they survived. Legislation, perhaps of a higher order than this, took care of that. We now have standards that we did not have before.

On dog fouling, I suppose that it is quite difficult to get round this without putting one's foot in it, but many members have done that well so far. Trish Godman mentioned that as a councillor you receive a great many complaints about the matter. Before I was elected, I put out a circular to ask all the citizens in my would-be ward what their priorities were and dog excrement was high on their list of priorities. The problem re-emerged from time to time thereafter.

Trish Godman also mentioned that Renfrewshire Council has a protocol with the police on the matter. According to the Scottish Parliament information centre, that protocol is an imitation of an earlier measure that Angus Council tried.

I note that COSLA thinks that officers should always be entitled to withdraw from situations in which they feel that their personal safety might be compromised. When I was in Easterhouse, the dogs there were not dogs as members would understand them. They were usually a cross between an Alsatian and a timber wolf and anyone who went near them or their owners would have done so at enormous personal jeopardy. I am glad that there will be an offence of obstructing a local government officer.

The bill is about responsible ownership. At Christmas, I discovered that somebody had got a dog from the cat and dog home in Glasgow, where, traditionally, people went to get free dogs and rescue them. That home no longer gives out free dogs—people have to pay 50 quid so that they have some feeling of responsibility when they take over the ownership of a dog. The blend of enforcement, education and responsible ownership is essential.

Dog excrement is unsightly, smelly and damaging to health. I am confident that the bill will make it and I congratulate my young colleague Keith Harding on introducing it.

16:31

**Robin Harper (Lothians) (Green):** I always wonder why, when one steps in one of those leavings of dogs, one's instep manages to collect the maximum quantity of excrement to transport into one's house.

I would have liked comprehensive legislation that covers all fouling and littering of our streets. Colin Campbell said that people no longer spit in buses, but in buses, on the streets and in public buildings, people still indulge in the revolting and utterly unacceptable habit of taking chewing gum out of their mouths and dropping it on the ground. That issue must be addressed.

I congratulate Keith Harding warmly on introducing the bill, which is sensible and well

crafted. I particularly commend the sections that give a measure of flexibility to the Executive in determining exceptions to the bill and the rate of fixed penalties.

In my remaining minute and a half, I will address penalties. Under Margaret Thatcher—I do not mean to get at my colleagues in the Conservative party—legislation on litter was introduced that was singularly ineffective. I believe that, in its first two years, there were only three prosecutions. The legislation allowed unlimited fines, but one of the cases involved a fine of £2,000, which was eventually deemed to be out of order. In one of the other cases, the fine was upheld and the other case was withdrawn. The problem with the legislation was that it was open ended, which meant that authorities were unwilling to prosecute or take people to court. The bill provides proper opportunities to administer fixed penalties.

On a note of caution, David Davidson rightly pointed out that the bill is not a revenue-raising measure and that it is neutral. I would go further than that—I would be happy if local authorities had to pay for the measure if it was effective in achieving its purpose of reducing the amount of dog excrement on our streets.

I would like an explanation for why on-the-spot fines are not in the bill. Could they be administered under the bill? I believe that, early in the life of the legislation, the fines must be at a level that people can be expected to pay. The fines can be racked up later, but they should be low to start with so that authorities are content to apply them.

16:34

**Janis Hughes (Glasgow Rutherglen) (Lab):** Like other members who have spoken, with the possible exception of Mike Rumbles, I welcome the Dog Fouling (Scotland) Bill and congratulate Keith Harding on achieving all-too-rare consensus in the chamber.

It is easy for people to say that the issue is trivial and that the Scottish Parliament should not spend time debating it. However, my postbag and those of my colleagues reflect the fact that many constituents find dog fouling to be a persistent and offensive nuisance. They will be pleased that the bill is being debated today. Anyone walking through some of the beautiful parks in my constituency—Cambuslang park, Kings park and Overton park—will be only too well aware of the nuisance that is caused by irresponsible dog owners.

As we have heard from Richard Simpson, the matter goes deeper than that. The potential health risks of fouling—including toxocariasis, which is a particularly nasty disease that is especially threatening to children—mean that dog owners

have a responsibility to clear up after their dogs. I am, therefore, pleased that we are taking the first steps towards legislation that will more easily hold owners responsible than the current legislation can.

I welcome the shift in emphasis from allowing dogs to foul in certain places to making it an offence for people not to clear up after their dogs. That will make it much easier to identify offenders. I agree with the Local Government Committee's view that exemptions to the bill should be kept to a minimum, because it is important that the bill is clear to the public, to enforcement officers and to local authorities. As other members have said, the committee recommendation that guidance should be developed to assist the police and local authority officers in dealing with alleged offences by persons under the age of 16 seems to be eminently sensible. However, it is important that the guidance should be detailed and clear.

Education has been mentioned: it is important that we provide continued education for dog owners in order to help to alleviate the problem. That has been done in the past, but not effectively and it has obviously not worked in isolation. I am pleased that the Executive is committing £100,000 to an advertising campaign that will work alongside the proposed new legislation to reinforce the provisions. Throughout stage 1, the Executive has recognised the resource implications for local authorities, and I am pleased that COSLA supports the general principles of the bill. I am sure that its concerns can be addressed at stage 2.

I am happy to support the general principles of the bill and I am pleased that we have, by and large, achieved consensus on the subject. Whether we like it or not, the subject is of great importance to many of our constituents. I hope that Parliament endorses the general principles of the bill.

16:37

**Donald Gorrie (Central Scotland) (LD):** I congratulate Keith Harding on the bill. It is a model member's bill and a lot of very good work has gone into it.

In 26 years as a councillor, I received from all sections of the community more complaints about dog fouling than about any other issue. The first time that I was invited to Holyrood palace by the Moderator of the General Assembly of the Church of Scotland for one of his shindigs, I thought, "Good. I am going to discover what the top people really talk about." However, as I entered the room a lady bore down on me—she was a constituent from my ward—and she said, "What are you going to do about dog fouling?" The matter affects everyone.

Dog fouling is a problem for councillors because the law is quite wrong. It is, therefore, essential that the Parliament change the law. Hitherto, the law has been based on a complete fallacy because it says that it is an offence for dogs to foul the pavement, the grass, or whatever. That is flying in the face of nature. We might as well close the public lavatories and make it an offence for someone to be caught short. The bill, correctly, changes that situation. The offence will not be the dog's doing what nature tells it to do; the offence will be the owner's failure to clear it up. That is at the heart of the bill and it is absolutely correct.

Alternatives do not work. When I was a councillor, we tried several. The most imaginative was when some council officials in a park dug a thing like a long-jump pit, filled it with ash and provided a nice old-fashioned street lamp. They put a notice beside it that said, "Canine convenience." None of the dogs used it, though; dogs cannot read long words. That illustrates the fact that alternatives do not work and that we must have a bill such as the one that we are debating.

The introduction of fixed-penalty notices will be effective. They already work with regard to parking restrictions and this is a similar issue. Such notices will deal with the problem.

The bill will deal with the matter, because hitherto, procurators fiscal and the police have given low priority to dog fouling. The issue will now get better attention and be properly dealt with under the provisions of the bill.

We have to train the wardens and police who will have to deal with the offence. There are citizens who persecute dog owners because they have a bee in their bonnet about the issue—some of their requests could be ignored. As the minister said, we will have to rely in some measure on local government officials acting with a certain degree of common sense.

Councils must also provide enough bins to allow people a reasonable chance to put their dog's excrement in a bin. Some areas have a good provision of bins; St Andrews, which was run by Liberal Democrats when it was a district council, has an extensive row of bins along the beach. I am sure that some councils have provided enough bins, but others have not.

Although the principle behind the bill is absolutely correct, one or two minor points might need adjustment. The bill is to be commended and it is an example of how, unlike some of the publicity that is written to the detriment of the Scottish Parliament, we can do good for people in a way that affects their lives.

16:41

**Bill Aitken (Glasgow) (Con):** It is, of course, tempting to regard the matter fairly light-heartedly; I must confess that I exhibited some amusement while I listened to Andy Kerr and Tricia Marwick relate their experiences of removing excrement from their boots. Indeed, given Mr Kerr's previous occupation, I thought that he was manifestly suited to that particular task.

**Tricia Marwick:** The point that I was making was that I never cleaned my boots—it was left to my husband to do that.

**Bill Aitken:** A man who is, I am sure, long suffering in many ways. [*Laughter.*]

There are some very important aspects to the bill and Keith Harding is to be congratulated on his courage in introducing it. He left himself open to being vilified for dealing with a matter that many people thought trivial. The issue is, however, very important. The evidence that Richard Simpson described in his speech highlighted the importance of the bill, because dog excrement can be a very real health hazard. Dog fouling detracts greatly from the amenity that many of us are entitled to as we walk in our streets, use our recreation grounds and so forth, so it is important that the matter be dealt with.

It is also important to highlight the way in which the law is being changed. Donald Gorrie generously did so in his speech. The offence under the bill is not of allowing a dog to mess; rather, the offence will be not to clear up the mess. The change highlights the difference between the existing position under the Civic Government (Scotland) Act 1982 and the provisions that are contained in Mr Harding's bill.

In the time available, I would like to respond to some of the other speeches. Sandra White rightly mentioned children; I, too, am a little worried about the legal competence of applying a fixed penalty to someone under the age of 16. In criminal matters, High Court rulings mean that it is not possible to impose fines on those who do not have the means to pay and someone under 16 might be in that category. I am sure, however, that Mr Harding will research the matter and deal with it at stage 2.

Robin Harper dealt with the principle of on-the-spot fines. I agree that such fines offer many attractions, especially if they are extended to litter, but they would not work in certain areas of Glasgow. Indeed, on-the-spot fines would act as a provocation to those who offend. We have to give further consideration to that issue.

In typically ungenerous fashion, Mike Rumbles was the only member this afternoon who did not congratulate Keith Harding. He advanced a somewhat humorous image—I almost thought he

was going to use the allegory of someone allowing their cow to dump in Princes Street—but the situation to which he referred is in hand. The measures would not be expected to work in the countryside because dog fouling is not a particular nuisance in the context that Mr Rumbles described. In some rural areas, however, dog fouling would be a nuisance; for example, if dogs were allowed to dump on recreation grounds.

Mike Rumbles misdirected himself on the issue of corroboration. There are many areas in Scots law—from the most serious, such as the crime of rape, to the less serious, such as speeding or going through a red light—in relation to which corroboration is not required.

**Mr Rumbles:** That is not correct.

**Bill Aitken:** It is, actually. The safeguard in such instances is that the matter can go to court if it is disputed. At that stage, the question of corroboration will come into play. Mr Harding will have to examine that at stage 2. However, the fact is that no corroboration would be required in order to issue fixed penalty notices.

This is a well thought-out bill. Keith Harding is to be congratulated and I am sure that all members and the Executive will wish the bill every success when it advances through its final two stages.

16:40

**Bruce Crawford (Mid Scotland and Fife) (SNP):** What contrasts this chamber can provide. This morning, we talked about international affairs, but this afternoon we are discussing issues to do with Scotland's pavements. The way in which the atmosphere in the chamber can change is astonishing.

I welcome Keith Harding's proposal, which I think is great and I offer him my sincere congratulations. Having read the Local Government Committee's report, it is obvious that a thorough job was done and that some serious issues were considered.

Keech is an old Scots word for excrement and I hope, for Keith's sake, that he does not become known as Mr Keech Harding because of his association with the bill. In many ways, however, it would be a tribute to him if he did, because it would show that he had left behind something of note.

It is obvious that Keith Harding has been prepared to take a flexible and pragmatic approach to the bill and the opportunity for its being amended at stage 2.

I was a councillor for 13 years and agree with other members that dog fouling is one of the main topics in councillors' surgeries. I was the council's

environmental health convener for four years and during that time there was a lot of investment in ways in which to deal with the dog-fouling problem. Dog wardens were employed and we had exercise control areas, bins for dog excrement, free pooper scoopers and an education programme. However, despite the effort that was made, not a lot changed because, to be frank, the law did not allow sufficient powers of enforcement. I am the first to accept that education must go hand in hand with enforcement and I offer my congratulations to Andy Kerr and the Executive on making available the extra investment of £100,000. Because of past experience, it is my view that education alone will not make sufficient difference. All the carrots in the world will make no difference unless we are also able to use a big stick. Keith Harding's bill will allow us to go in that direction.

We need to have tougher penalties and we need to bring about a culture change. We must take pride in our country and in our communities. If that happens, irresponsible dog owners might begin to respond. Keith Harding has given us an opportunity to take an important step and he deserves plaudits for that.

Earlier, Keith Harding said that the legislation would apply in all areas to which the public has access. That worries me because the Land Reform (Scotland) Bill will give the public the right to go into areas all over Scotland. As Tricia Marwick asked earlier, how will we differentiate between agricultural and rough areas? Further consideration needs to be given to that issue because the legislation might otherwise be undermined. For example, if action is taken against a person who allows a dog to defecate in a public park, that person might be able to argue reasonably that no action was taken against them when they previously allowed their dog to defecate in rough areas. I do not know what the answer to that problem is, but I think that the matter needs further examination.

As far as fixed penalties are concerned, it is a good idea to up the ante incrementally and to make it more difficult for offenders if they refuse to pay. Is 10 per cent enough? That is another question that needs to be examined; if the percentage uplift was greater it might increase the number of fines that were paid up front, and it might reduce bureaucracy further down the line. Perhaps that issue can be examined.

The issue that causes me greatest concern is young offenders—those who are under the age of 16. They have no income and no means to pay, as Bill Aitken properly pointed out. It might be that in practice, people who are under 16 will not be fined. However, in theory they could be fined and while that theoretical possibility exists, the

potential exists for difficult situations to arise for people who are under 16.

The Scottish Society for the Prevention of Cruelty to Animals submitted further evidence to the Parliament today, which states:

"If a minor is in charge of a dog when an offence is committed, the person who gave the minor responsibility for the dog should be held responsible."

That suggests that the parents of children should be held responsible. Perhaps the legislation could address that, instead of fining young offenders.

There are other points that I would like to make, but I recognise the tightness of time. I conclude by congratulating Keith Harding sincerely.

16:51

**Mr Harding:** At the outset, I thank members for their contributions to the debate and for the many positive comments that were made. It has been a serious and considered debate, which is what I wanted. I have been subjected to some ridicule over the past couple of years because of the bill, but dog fouling is an issue that I wanted to address, and I have used the Parliament to do so.

I will try to deal with the various issues that members have raised. Tricia Marwick mentioned Bruce, the dog from Glenrothes, and after a pause for thought, I will reply to him as well. The issue was the widening of exemptions to include rough ground, which was also mentioned by Bruce Crawford and Mike Rumbles. The bill does not require enforcement, but it empowers authorities to enforce if they consider that there is a problem. Tricia Marwick agreed at the Local Government Committee that we need the bill to apply to a wide range of areas to ensure that it is not open to challenge. If we specify types of areas to which the bill applies, we may run into all sorts of problems. We therefore agreed that it would apply to all public land, excluding agricultural land. It will apply to places such as bridle paths.

I say to Mike Rumbles that I do not expect designated officers to hide behind trees to catch him on remote country roads, but I am disappointed to learn that he is not a responsible owner who picks up excrement at the time.

Iain Smith emphasised the importance of the guidance notes. I agree totally with him; it is important that proper guidance is given to councils and authorised officers.

Trish Godman, Richard Simpson, Sandra White and Janis Hughes made important points about health issues and the risks of dog fouling. Those cannot be over-emphasised. Sandra White mentioned the elderly, in respect of whom I would expect designated officers to be considerate and understanding. She also mentioned children under

16, as did Bill Aitken and Bruce Crawford. The bill makes no specific provision with regard to under-16s. As other members have said, authorised officers should act sensibly and use their discretion. Existing criminal law restrictions in relation to children apply to the offences in the bill, as they do to all other criminal offences.

**Bruce Crawford:** Will Keith Harding and the Executive consider whether, in situations in which the person who is with the dog is under 16, the penalty could be applied to the parent of the person or to the owner of the dog?

**Mr Harding:** We will look at that matter again—it has been the subject of much discussion. We thought that we had found the right answer, but we will revisit the issue.

Sandra White mentioned cost. The Presiding Officer and the Executive have accepted that the bill is competent, so the figures that are quoted in the financial memorandum are acceptable.

**Mrs Lyndsay McIntosh (Central Scotland) (Con):** On a point of order, Presiding Officer. Will you please instruct members who have not had the opportunity to hear the rest of the debate to calm down so that those of us who have had that opportunity can hear its conclusion.

**The Deputy Presiding Officer (Mr George Reid):** That would be helpful.

**Mr Harding:** In her contribution, Tricia Marwick mentioned that the bill would give power to local authority officers. It will not do that—it will give power to authorities to authorise their officers.

Mike Rumbles mentioned the penalty, to which he said the COSLA submission referred. The COSLA submission did not refer to that. Under the bill, if a person denies their guilt, they can request a hearing before a court. It is simply not true to say that there is a penalty for denying that one has committed an offence.

**Mr Rumbles:** Will the member give way?

**Mr Harding:** No. We have heard enough on that issue.

The other issue that Mike Rumbles mentioned was the ECHR. I recommend that he read paragraphs 62 to 66 on page 9 of the policy memorandum, which cover that issue in great detail.

Robin Harper mentioned on-the-spot fines. The bill provides for on-the-spot fines in section 5 on fixed penalties, which are an alternative to fines.

I will finish early if I am not careful. Although I am delighted that the debate has been serious, I will end on a lighter note. My daughter is married to a United States Navy officer. When my wife and I went to their wedding, I asked one of his

academy colleagues what my future son-in-law did on the ship. He told me that he had, as the executive officer, a very important job. When I asked what that meant, he told me that my son-in-law was in charge of fire and safety drills and the crappers. When I asked whether the crappers were what I thought they were, he told me that they were.

In my speech after the wedding, I said that my wife and I were delighted that our son-in-law was a crapper controller. My daughter, who is a sad soul, follows the Parliament on the web in America, where she saw that I planned to introduce the Dog Fouling (Scotland) Bill and informed my son-in-law, James. I then received an e-mail that asked, "Why must you continually prove to your daughter that you are better than me? I might be the crapper controller of a missile destroyer, but why do you want to become the crapper controller of Scotland?"

**The Deputy Minister for Health and Community Care (Mr Frank McAveety):** Because you are a Tory.

**Mr Harding:** I thank Mr McAveety very much. On that note, and staying in an American vein, using the words of Clint Eastwood in "Dirty Harry", "make my day"—please support the bill.

## Parliamentary Bureau Motions

16:58

**The Presiding Officer (Sir David Steel):** We have two items of Parliamentary Bureau business to consider. I call Euan Robson to move motion S1M-3770, on the approval of a statutory instrument, and motion S1M-3776, on the establishment of a committee.

*Motions moved,*

That the Parliament agrees that the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No.16) (Scotland) Order 2002 (SSI 2002/544) be approved.

That the Parliament agrees to establish a committee of the Parliament as follows—

Name of Committee: Commissioner for Children and Young People (Scotland) Bill Committee

Remit: To consider the Commissioner for Children and Young People (Scotland) Bill

Duration: Until the Bill is passed, or falls or is otherwise no longer in progress

Convenership: The Convener will be a member of the Scottish National Party and the Deputy Convener a member of the Scottish Liberal Democrat Party

Membership: Jackie Baillie, Donald Gorrie, Irene McGugan, Jamie McGrigor, Kay Ullrich and Karen Whitefield.—[*Euan Robson.*]

## International Situation

16:59

**The Presiding Officer (Sir David Steel):** Before we come to decision time, I will ask Tavish Scott and Tommy Sheridan to move their respective manuscript amendments, which have been circulated in the revised business bulletin.

Before doing so, I repeat what I said earlier and what the Deputy Presiding Officer said at the time that the original points of order were made. I ask members to understand that the Presiding Officer will not normally accept manuscript amendments simply because an amendment might be pre-empted. It is up to members who are lodging amendments to discuss possible pre-emption with the clerks—such discussions happen all the time in the chamber office—and to devise other methods if they want to avoid that.

On this occasion, the Presiding Officers have agreed that it is important that members be able to record their individual views. That is why we have accepted this procedure.

**Tavish Scott (Shetland) (LD):** I move amendment S1M-3760.3.3, to leave out from “notes” to end and insert:

“recognises the reserved nature of issues relating to the current international situation and the public concerns that exist and therefore agrees to support UN Security Resolution 1441 as unanimously adopted by the UN Security Council; agrees that the Government of Iraq must fully comply with all the provisions of the resolution; agrees that, if it fails to do so, the UN Security Council should meet in order to consider the situation and the need for full compliance; believes that any decision that Iraq is in “material breach” of Resolution 1441 is for the UN Security Council as a whole to determine and that no military action to enforce Resolution 1441 should be taken against Iraq without a mandate from the UN Security Council, and further believes that no British forces should be committed to any military action against Iraq without a debate in the House of Commons and a substantive motion in favour.”

**Tommy Sheridan (Glasgow) (SSP):** I move amendment S1M-3760.3.2, to leave out from “notes” to end and insert:

“endorses United Nations Security Council Resolution 1441 on the basis that it provides a mandate for weapons inspection in Iraq; welcomes the legal opinion of Matrix Chambers on behalf of CND which concluded that Resolution 1441 does not provide an authorisation for military action in Iraq and that any such use of force would breach international law; believes that UN weapons inspectors must be afforded total freedom of access in Iraq and to all evidence in the possession of other states, together with sufficient time in order to produce a comprehensive report for the consideration of the Security Council on the state of Iraqi compliance with the resolution; considers the Iraq inspections should be the first stage in comprehensive investigations of weapons of mass destruction possessed and being pursued by states

throughout the world, including the USA, UK, Israel, Pakistan, India, North Korea, Russia and any others who must be persuaded to allow full and comprehensive assessments of nuclear, chemical, biological and other weapons of mass destruction, with a view of pursuing genuine and all-encompassing disarmament of such weapons throughout the world; believes that there is no moral, humanitarian or military reason to go to war with Iraq whether or not the UN gives its approval, and therefore calls on all MSPs to oppose the coming war by all means possible including civil disobedience."

## Decision Time

17:00

**The Presiding Officer (Sir David Steel):** There are eight questions to be put as a result of today's business.

The first question is, that amendment S1M-3760.3.1, in the name of Phil Gallie, which seeks to amend the amendment in the name of Tom McCabe, on the current international situation, be agreed to. Are we agreed?

**Members:** No.

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

### FOR

Aitken, Bill (Glasgow) (Con)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Johnstone, Alex (North-East Scotland) (Con)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Mundell, David (South of Scotland) (Con)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Ben (North-East Scotland) (Con)  
 Young, John (West of Scotland) (Con)

### AGAINST

Elder, Dorothy-Grace (Glasgow) (Ind)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Sheridan, Tommy (Glasgow) (SSP)

### ABSTENTIONS

Adam, Brian (North-East Scotland) (SNP)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Finnie, Ross (West of Scotland) (LD)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Gorrie, Donald (Central Scotland) (LD)



Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harper, Robin (Lothians) (Grn)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McAllion, Mr John (Dundee East) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Ullrich, Kay (West of Scotland) (SNP)

Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)

**The Presiding Officer:** The result of the division is: For 20, Against 3, Abstentions 98.

*Amendment agreed to.*

**The Presiding Officer:** The second question is, that amendment S1M-3760.3.3, in the name of Tavish Scott, which seeks to amend the amendment in the name of Tom McCabe, as amended, on the current international situation, be agreed to. Are we agreed?

**Members:** No.

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

**FOR**

Adam, Brian (North-East Scotland) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Elder, Dorothy-Grace (Glasgow) (Ind)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harper, Robin (Lothians) (Grn)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeod, Fiona (West of Scotland) (SNP)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)

Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

#### AGAINST

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Mundell, David (South of Scotland) (Con)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Tosh, Mr Murray (South of Scotland) (Con)

Wallace, Ben (North-East Scotland) (Con)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

McAllion, Mr John (Dundee East) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)

**The Presiding Officer:** The result of the division is: For 51, Against 67, Abstentions 3.

*Amendment disagreed to.*

**The Presiding Officer:** The third question is, that amendment S1M-3760.3.2, in the name of Tommy Sheridan, which seeks to amend the amendment in the name of Tom McCabe, as amended, on the current international situation, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Canavan, Dennis (Falkirk West)  
 Elder, Dorothy-Grace (Glasgow) (Ind)  
 Harper, Robin (Lothians) (Grn)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 McAllion, Mr John (Dundee East) (Lab)  
 Sheridan, Tommy (Glasgow) (SSP)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Brown, Robert (Glasgow) (LD)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Campbell, Colin (West of Scotland) (SNP)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (South of Scotland) (Con)  
 Finnie, Ross (West of Scotland) (LD)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Henry, Hugh (Paisley South) (Lab)

Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jackson, Gordon (Glasgow Govan) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)  
 McCabe, Mr Tom (Hamilton South) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLeod, Fiona (West of Scotland) (SNP)  
 McLetchie, David (Lothians) (Con)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Mundell, David (South of Scotland) (Con)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Neil, Alex (Central Scotland) (SNP)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Radcliffe, Nora (Gordon) (LD)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland) (LD)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)  
 Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Ben (North-East Scotland) (Con)

Wallace, Mr Jim (Orkney) (LD)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Wilson, Andrew (Central Scotland) (SNP)  
 Young, John (West of Scotland) (Con)

#### ABSTENTIONS

McNeill, Pauline (Glasgow Kelvin) (Lab)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)

**The Presiding Officer:** The result of the division is: For 6, Against 112, Abstentions 3.

*Amendment disagreed to.*

**The Presiding Officer:** The fourth question is, that amendment S1M-3670.3, in the name of Tom McCabe, as amended, which seeks to amend the motion in the name of John Swinney, on the current international situation, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)

McCabe, Mr Tom (Hamilton South) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Mundell, David (South of Scotland) (Con)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Ben (North-East Scotland) (Con)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Elder, Dorothy-Grace (Glasgow) (Ind)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harper, Robin (Lothians) (Grn)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McAllion, Mr John (Dundee East) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeod, Fiona (West of Scotland) (SNP)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)

Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

#### ABSTENTIONS

Jackson, Gordon (Glasgow Govan) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)

**The Presiding Officer:** The result of the division is: For 66, Against 51, Abstentions 3.

*Amendment, as amended, agreed to.*

**The Presiding Officer:** The fifth question is, that motion S1M-3760, in the name of John Swinney, on the current international situation, as amended, be agreed to. Are we agreed?

**Members:** No.

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

#### FOR

Aitken, Bill (Glasgow) (Con)  
 Alexander, Ms Wendy (Paisley North) (Lab)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Barrie, Scott (Dunfermline West) (Lab)  
 Brankin, Rhona (Midlothian) (Lab)  
 Butler, Bill (Glasgow Anniesland) (Lab)  
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)  
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)  
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)  
 Davidson, Mr David (North-East Scotland) (Con)  
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)  
 Douglas-Hamilton, Lord James (Lothians) (Con)  
 Eadie, Helen (Dunfermline East) (Lab)  
 Ferguson, Patricia (Glasgow Maryhill) (Lab)  
 Fergusson, Alex (South of Scotland) (Con)  
 Fitzpatrick, Brian (Strathkelvin and Bearsden) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallie, Phil (South of Scotland) (Con)  
 Gillon, Karen (Clydesdale) (Lab)  
 Godman, Trish (West Renfrewshire) (Lab)  
 Goldie, Miss Annabel (West of Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (Edinburgh Pentlands) (Lab)  
 Harding, Mr Keith (Mid Scotland and Fife) (Con)  
 Henry, Hugh (Paisley South) (Lab)  
 Home Robertson, Mr John (East Lothian) (Lab)  
 Hughes, Janis (Glasgow Rutherglen) (Lab)  
 Jackson, Dr Sylvia (Stirling) (Lab)  
 Jamieson, Cathy (Carrick, Cumnock and Doon Valley) (Lab)  
 Jamieson, Margaret (Kilmarnock and Loudoun) (Lab)  
 Johnstone, Alex (North-East Scotland) (Con)  
 Kerr, Mr Andy (East Kilbride) (Lab)  
 Lamont, Johann (Glasgow Pollok) (Lab)  
 Livingstone, Marilyn (Kirkcaldy) (Lab)  
 Macdonald, Lewis (Aberdeen Central) (Lab)  
 Macintosh, Mr Kenneth (Eastwood) (Lab)  
 MacKay, Angus (Edinburgh South) (Lab)  
 Maclean, Kate (Dundee West) (Lab)  
 Macmillan, Maureen (Highlands and Islands) (Lab)  
 Martin, Paul (Glasgow Springburn) (Lab)  
 McAveety, Mr Frank (Glasgow Shettleston) (Lab)

McCabe, Mr Tom (Hamilton South) (Lab)  
 McGrigor, Mr Jamie (Highlands and Islands) (Con)  
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)  
 McLetchie, David (Lothians) (Con)  
 McMahon, Mr Michael (Hamilton North and Bellshill) (Lab)  
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)  
 McNulty, Des (Clydebank and Milngavie) (Lab)  
 Monteith, Mr Brian (Mid Scotland and Fife) (Con)  
 Morrison, Mr Alasdair (Western Isles) (Lab)  
 Muldoon, Bristow (Livingston) (Lab)  
 Mulligan, Mrs Mary (Linlithgow) (Lab)  
 Mundell, David (South of Scotland) (Con)  
 Murray, Dr Elaine (Dumfries) (Lab)  
 Oldfather, Irene (Cunninghame South) (Lab)  
 Peacock, Peter (Highlands and Islands) (Lab)  
 Peattie, Cathy (Falkirk East) (Lab)  
 Scanlon, Mary (Highlands and Islands) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Dr Richard (Ochil) (Lab)  
 Thomson, Elaine (Aberdeen North) (Lab)  
 Tosh, Mr Murray (South of Scotland) (Con)  
 Wallace, Ben (North-East Scotland) (Con)  
 Watson, Mike (Glasgow Cathcart) (Lab)  
 Whitefield, Karen (Airdrie and Shotts) (Lab)  
 Wilson, Allan (Cunninghame North) (Lab)  
 Young, John (West of Scotland) (Con)

#### AGAINST

Adam, Brian (North-East Scotland) (SNP)  
 Brown, Robert (Glasgow) (LD)  
 Campbell, Colin (West of Scotland) (SNP)  
 Canavan, Dennis (Falkirk West)  
 Crawford, Bruce (Mid Scotland and Fife) (SNP)  
 Cunningham, Roseanna (Perth) (SNP)  
 Elder, Dorothy-Grace (Glasgow) (Ind)  
 Fabiani, Linda (Central Scotland) (SNP)  
 Finnie, Ross (West of Scotland) (LD)  
 Gibson, Mr Kenneth (Glasgow) (SNP)  
 Gorrie, Donald (Central Scotland) (LD)  
 Grahame, Christine (South of Scotland) (SNP)  
 Hamilton, Mr Duncan (Highlands and Islands) (SNP)  
 Harper, Robin (Lothians) (Grn)  
 Hyslop, Fiona (Lothians) (SNP)  
 Ingram, Mr Adam (South of Scotland) (SNP)  
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)  
 Lochhead, Richard (North-East Scotland) (SNP)  
 Lyon, George (Argyll and Bute) (LD)  
 MacAskill, Mr Kenny (Lothians) (SNP)  
 MacDonald, Ms Margo (Lothians) (SNP)  
 Marwick, Tricia (Mid Scotland and Fife) (SNP)  
 Matheson, Michael (Central Scotland) (SNP)  
 McAllion, Mr John (Dundee East) (Lab)  
 McGugan, Irene (North-East Scotland) (SNP)  
 McLeod, Fiona (West of Scotland) (SNP)  
 Morgan, Alasdair (Galloway and Upper Nithsdale) (SNP)  
 Munro, John Farquhar (Ross, Skye and Inverness West) (LD)  
 Neil, Alex (Central Scotland) (SNP)  
 Paterson, Mr Gil (Central Scotland) (SNP)  
 Quinan, Mr Lloyd (West of Scotland) (SNP)  
 Radcliffe, Nora (Gordon) (LD)  
 Reid, Mr George (Mid Scotland and Fife) (SNP)  
 Robison, Shona (North-East Scotland) (SNP)  
 Robson, Euan (Roxburgh and Berwickshire) (LD)  
 Rumbles, Mr Mike (West Aberdeenshire and Kincardine) (LD)  
 Russell, Michael (South of Scotland) (SNP)  
 Scott, Tavish (Shetland) (LD)  
 Sheridan, Tommy (Glasgow) (SSP)  
 Smith, Iain (North-East Fife) (LD)  
 Smith, Mrs Margaret (Edinburgh West) (LD)  
 Stephen, Nicol (Aberdeen South) (LD)

Stevenson, Stewart (Banff and Buchan) (SNP)  
 Stone, Mr Jamie (Caithness, Sutherland and Easter Ross) (LD)  
 Sturgeon, Nicola (Glasgow) (SNP)  
 Swinney, Mr John (North Tayside) (SNP)  
 Ullrich, Kay (West of Scotland) (SNP)  
 Wallace, Mr Jim (Orkney) (LD)  
 Welsh, Mr Andrew (Angus) (SNP)  
 White, Ms Sandra (Glasgow) (SNP)  
 Wilson, Andrew (Central Scotland) (SNP)

#### ABSTENTIONS

Jackson, Gordon (Glasgow Govan) (Lab)  
 McNeill, Pauline (Glasgow Kelvin) (Lab)  
 Smith, Elaine (Coatbridge and Chryston) (Lab)

**The Presiding Officer:** The result of the division is: For 67, Against 51, Abstentions 3.

*Motion, as amended, agreed to.*

*Resolved,*

That the Parliament notes the United Nations Security Council Resolution 1441 as unanimously adopted by the Security Council; agrees that the Government of Iraq must comply fully with all the provisions of that resolution and that, if it fails to do so, the Security Council should meet in order to consider the situation and the need for full compliance; notes that a further material breach of Iraq's obligations under Resolution 1441 will be reported to the Security Council for assessment; further notes that responsibility for policy on this matter lies with Her Majesty's Government, and also notes the current support given to the Middle East peace process by Her Majesty's Government and extends its full support to our armed forces if, as a consequence of an Iraqi failure to comply, military action should prove necessary.

**The Presiding Officer:** The sixth question is, that motion S1M-3770, in the name of Patricia Ferguson, on the approval of a statutory instrument, be agreed to.

*Motion agreed to.*

That the Parliament agrees that the Food Protection (Emergency Prohibitions) (Amnesic Shellfish Poisoning) (West Coast) (No.16) (Scotland) Order 2002 (SSI 2002/544) be approved.

**The Presiding Officer:** The seventh question is, that motion S1M-3776, in the name of Patricia Ferguson, on the establishment of a committee, be agreed to.

*Motion agreed to.*

That the Parliament agrees to establish a committee of the Parliament as follows—

Name of Committee: Commissioner for Children and Young People (Scotland) Bill Committee

Remit: To consider the Commissioner for Children and Young People (Scotland) Bill

Duration: Until the Bill is passed, or falls or is otherwise no longer in progress

Convenership: The Convener will be a member of the Scottish National Party and the Deputy Convener a member of the Scottish Liberal Democrat Party

Membership: Jackie Baillie, Donald Gorrie, Irene McGugan, Jamie McGrigor, Kay Ullrich and Karen Whitefield.

**The Presiding Officer:** The eighth question is, that motion S1M-3241, in the name of Keith Harding, on stage 1 of the Dog Fouling (Scotland) Bill, be agreed to.

*Motion agreed to.*

That the Parliament agrees to the general principles of the Dog Fouling (Scotland) Bill.

## Housing (Private Rented Sector)

**The Deputy Presiding Officer (Mr Murray Tosh):** The final item of business is a members' business debate on motion S1M-3679, in the name of Johann Lamont, on the private rented housing sector. The debate will be concluded without any question being put. I invite those members who wish to speak in the debate to press their request-to-speak buttons now.

*Motion debated,*

That the Parliament notes with concern the lack of regulation of the private rented housing sector, despite the capacity of that sector to receive public funding through housing benefit; further notes the stark contrast between the obligations placed on landlords in the social rented sector and landlords in the private rented sector; believes that private sector landlords who are in receipt of public funding should be expected to meet minimum standards and procedures in the way that their properties are managed, in order to protect the rights of private sector tenants and their neighbours and to ensure probity in the distribution of public funds, and considers that the Scottish Executive should address these serious matters as a matter of priority.

17:08

**Johann Lamont (Glasgow Pollok) (Lab):** I am pleased to have secured tonight's members' business debate on the private rented housing sector. I am grateful that the motion has been selected and for the cross-party support that has been shown. I must be fairly high up on the league table of people who have been successful in securing members' business debates, so if anyone wants advice on how to get it done, they should come and see me.

A key responsibility of MSPs is to take action and to work with constituents who are experiencing problems and who bring cases to us. It is also our responsibility to analyse the underlying issues that create individual difficulties. The ability to see a direct link between speaking to an MSP and a development in legislation or practice is one of the things that can build credibility for the political process.

I will outline the case of a constituent of mine to illustrate the problem and then I will highlight the challenges that the case raises. Members might be aware from previous contributions that I have made that constituents often come to me about anti-social behaviour and disorder, particularly in our more vulnerable communities. The case that I am about to describe has had as huge an impact on me as any that has been brought before me, and I cannot overstate my strength of feeling that the problem must be tackled.

My constituents own their own home. They have lived in the area of their choice for 17 years. They brought up their family in the area, and wish to stay there. They are public-spirited people—the very people who strengthen communities. The community where they live is struggling a little and, over time, as owner-occupiers have sold up, private landlords have bought the properties.

In this particular case, a private tenant moved in above the family. His behaviour began poorly and deteriorated: there was fighting, aggression, violence and damage to property. My constituents are reasonable people. They sought to make a complaint to the landlord—a logical thing to do. It is absolutely scandalous that they had to go to the Land Register of Scotland and pay for the privilege of establishing who the landlord was. Having succeeded in getting hold of the landlord, they could not get him to take action. During my meeting with the landlord and the police, I discovered that he did not see that he had a particular responsibility. Indeed, he seemed bemused at the suggestion that he might take some action.

On being asked by me for a point of contact where neighbours could complain to him and let him know the seriousness of the issue, he replied, “I only have a mobile phone. Would you give out your mobile phone number or private house number?” He was none too happy when I pointed out to him that responsibilities went along with the job, and that a mobile phone was perhaps not a sufficient way in which to manage those responsibilities.

The family, who were harassed and targeted because they made a complaint, had to move out. They had to walk away from the investment that their home represented to them because of the impact of the situation on their health, well-being and peace of mind. The community must now be more vulnerable for the loss of those people, who at least had some fighting spirit. It is shocking that a private landlord’s lack of responsibility can do that, and that shock is compounded by the fact that public money, allocated through housing benefits, can fund that private landlord’s rental income.

I recall a distressing meeting with my constituents. I had agreed to phone them the next day, but they indicated not to phone during the day, as they would both be out working. Then, the wife lifted her eyes to the ceiling and said, “And, yes, I feel like I’m going out to work to pay for the mayhem that’s making my life a misery.” It cannot be right that landlords can receive public funds in that way without addressing their public responsibilities. I am currently in dialogue with Ian Davidson, the MP for Pollok, about whether some of these matters can usefully be addressed

through the benefits system at a Westminster level.

Cases such as the one that I have described create challenges for public policy. I underline the importance of the private sector. I have spoken at length to representatives of the Scottish Association of Landlords, and wish to emphasise that the private sector has an important role in housing provision. The Scottish Association of Landlords is in favour of regulating the sector, as the good practice that has been adopted by some landlords is diminished by the appalling behaviour of the bad.

I thank the Scottish Association of Landlords for taking the time to discuss the issues with me, as well as the Chartered Institute of Housing in Scotland and Shelter Scotland for their briefings and information on the matter. It is significant that Shelter, the CIHS and SAL are united in their support for action in this area.

I turn to the issue’s impact on our strategy for community regeneration. In the case that I highlighted, the local area is benefiting from public moneys to create economic regeneration, but at the same time, public moneys are feeding the monster that makes the community vulnerable and fragile. In order to address the problems, I urge the Executive to examine seriously the possibility of an accreditation or regulation scheme, or, as SAL suggested, a licence-to-let scheme. At the very least, there must be a system whereby only houses that meet proper maintenance standards can be made available for publicly funded renting, and whereby landlords, too, must meet standards for tenant management. I further urge the Executive to continue the important work on making anti-social behaviour orders—ASBOs—effective.

Between 1999 and 2001, only two out of the 210 anti-social behaviour orders that were sought came from the private rented sector. We need to consider how to place obligations on private landlords to provide the relevant information to local authorities, so that they can address and promote ASBOs.

Let me summarise my very strongly held views on this subject. My constituents showed great courage and paid a heavy price for being willing to stand up for themselves. Their courage in highlighting their situation must be rewarded with action. I am appalled to discover that public money can be paid to landlords but that landlords have no reciprocal responsibility to provide a decent service to tenants and no obligation to deal with anti-social behaviour by their tenants. I am disturbed that landlords are under no obligation to be accessible to neighbours whose lives are being made a misery by anti-social tenants and that they are under no pressure to act consistently and

appropriately against tenants who cause problems.

I am deeply troubled that, at the same time as significant public moneys are being injected into areas to create economic and social regeneration, public moneys are going directly to private landlords, in whose interests it might be to depress house values and who have no incentive to deal with anti-social behaviour, which is creating fragile and fearful communities.

I emphasise that I am not attacking those who are entitled to housing benefit or the many reputable private landlords who provide an important housing service. My target is clear: private landlords who accept public moneys but do not accept their public responsibilities. Anti-social behaviour is a problem throughout housing tenures. We are entitled to demand that private landlords play their part in tackling it. The debate offers the Executive and the private sector an important challenge. I trust that they will rise to it.

17:16

**Linda Fabiani (Central Scotland) (SNP):** I understand that I have two interests to declare: my membership of the Chartered Institute of Housing in Scotland and the fact that I am a private landlord, as I let a property. I hope that my tenants consider me to be a fairly good landlord.

I agree with everything that Johann Lamont said. The story that she told is familiar to many people. When I worked in housing and our tenants suffered because of their neighbours, frustration arose when those neighbours were owner-occupiers or had private landlords, because it was difficult to find out who could take responsibility.

Anti-social behaviour orders have the potential to be more worthwhile. We must research why they are not being used to the extent that they could be used. There are many good private landlords, as Johann Lamont said, and a decent private rented sector makes a great contribution to housing in this country.

The condition of houses is also important, because tenants' rights in private housing are important. I will relate one of my worries about that to the situation in the 1970s and 1980s, when councils and housing associations worked together closely in housing action areas to rid our cities of slum landlords and to provide decent housing conditions, mainly to people who lived in tenements.

I am worried that, in isolated places, we could create a new private rented sector from ex-right-to-buy properties. East Kilbride—the constituency in which I live—has a growing problem of ex-right-to-buy houses being sold to people who want to let

them as private landlords. In one area, houses have lost much of their value because of asbestos problems, which are the subject of a continuing argument between residents and the local council. A couple of private landlords are trying hard to buy those properties.

Johann Lamont talked about housing benefit. Such properties are often let at the maximum housing benefit level that landlords know the council will pay. Landlords pocket the money and feel that they have no obligation to such properties' tenants or to people who live round about in the wider community. We need regulation, and we can discuss the best method of doing that. I look forward to the housing improvement task force's report on the matter.

Some people live in tied accommodation, the condition of which is ridiculous. I have seen that all over the country, but mainly in rural areas, where tied accommodation that is let in a particularly bad state can be found on large estates. I hope that the housing improvement task force considers the landlords of tied accommodation when it reports.

17:19

**Trish Godman (West Renfrewshire) (Lab):** I congratulate my comrade Johann Lamont on securing this timely debate. As Johann Lamont said, there are good landlords and there are bad landlords. We have to sort out the bad landlords who, like loan sharks, batten on poor and vulnerable tenants and make their impoverished lives even more miserable with their greedy and grasping concern for rents and nothing else.

I am sure that I am not alone when I say that I can identify areas in my constituency where rent sharks operate. Whole streets of houses, usually of a very low standard, are bought up cheaply and rented out, and housing benefit appears to pour into the grasping landlords' deep pockets. Streets such as Robert Street and the surrounding streets in Port Glasgow were once a decent place to live. They were built for the ship workers and their families—proud, hard-working people who cleaned their clothes, kept the noise down, watched out for the kids in the street and were proud to live there. The situation is different now.

Decent people are bedevilled by uncaring landlords and are harassed and plagued by anti-social neighbours, drug dealers, burnt-out cars and dirty streets. The decent, hard-working people who still live there are at the end of their tether. It is disgusting that people have to live in such circumstances. The many decent people who still live there have formed a tenants association, which I have addressed. The Scottish Executive has given money, through the better neighbourhood services fund, for extra policing. That is useful, but it is not quite enough.



Why should public money in the form of housing benefit be poured into the hands of rent sharks? As Johann Lamont asked, how many of those tenants even have a lease or a contract? I suspect that they are very few. The rent sharks should be subject to tough laws that do not inconvenience good landlords, but improve the lives of tenants. The aim should be to give all tenants in the private sector the protection afforded to council tenants and members of housing associations. If someone is offered a council house, they have to sign a missive, which explains their responsibilities as a council tenant and the recourse that the council has if they do not adhere to the rules. Why cannot we have the same system for those in the private rented sector?

We need a national strategy to drive up standards throughout the private sector. Regulation of landlords might be required to set basic standards and to promote good practice. Whatever the solution, we must act sooner rather than later. The motion asks for the Scottish Executive to address the matter as a priority, which I believe is absolutely essential. We should act now.

17:22

**Ms Sandra White (Glasgow) (SNP):** I congratulate Johann Lamont on introducing the motion for debate on a subject that is dear to our hearts, not just because of the aspects to do with anti-social behaviour, of which I have personal experience. I tried to find the landlord of a property and found that he had moved to South Africa and there was no way for us to get in touch with him. Johann Lamont has covered that issue.

I will talk about tenements, particularly in the heart of Glasgow and the west end where some of the property should be condemned, given its unbelievable state of disrepair. It is not the tenants who are anti-social but the landlords. The tenants are vulnerable people. I have walked up tenement closes with spiral staircases where the railings are falling apart or do not exist and the spaces are big enough for a child to fall through. Nothing is done about it, because no one can contact the landlords, who are the sharks who are taking money from vulnerable people. I will support any legislation that brings them to book and makes them stand up and accept their responsibilities. We can make them do that.

The terrible conditions of the buildings as a whole, once they are sold on, can be described only as pre-war. Many areas in the west end of Glasgow are like that, particularly the many houses in multiple occupation. Nobody can seem to get hold of the landlords, who just abdicate responsibility.

We have to protect people from anti-social tenants, but if legislation comes from the Parliament and the Executive it must protect tenants from unscrupulous landlords. Plenty of people come to my surgery complaining about the conditions that they have to live in. How can we possibly get hold of someone in South Africa who has bought a house in a terrible condition and has let it out to 10 or 15 people? The problem affects not just the people who are living there, but those living next door and in the streets beyond. We must put a stop to such behaviour as quickly as possible, and make sure that legislation is introduced so that people who live in these conditions suffer no further. I congratulate Johann once again on lodging the motion.

17:25

**Mrs Lyndsay McIntosh (Central Scotland) (Con):** I, too, congratulate Johann Lamont on securing the debate, and thank her for introducing the motion to the chamber.

It is undoubtedly true that the size of the private rented housing sector is small compared to private home ownership and the council provision of housing throughout Scotland. However, that sector serves the needs of many different groups of people. I remember well my student days in Dundee when I lived at first in a six-bedroomed flat in Blackness Avenue. Now it would probably be advertised as a penthouse duplex, but it did not seem so when I was resident. Thereafter, I moved on to a house in the west end of Dundee. However, it is not just students who depend on the sector, but 20 and 30-somethings who are at the start of their careers or who are eager to travel to broaden their experience. Rural tenants, too, depend on the sector.

I am indebted to the Chartered Institute of Housing in Scotland for its briefing, which details the importance of the private rented sector. As its paper states, there are some 162,000 houses in that sector in Scotland, which is 8 per cent of the total housing stock; some 41 per cent of the sector comprises tenement flats, compared with 23 per cent of the overall housing stock.

We all share Johann Lamont's concerns. We all expect private sector landlords to adhere to the highest standards of good practice. I understand worries about lack of regulation, but I am a little dubious as to whether regulation is the only answer. There are other things that we can do. I note that the CIHS supports the introduction of compulsory certification to ensure minimum standards, and a voluntary accreditation scheme. That scheme appeals to me. I hope that, as with a special seal of approval, inclusion in a voluntary scheme would become the gold standard.

I want to consider a point in the CIHS briefing on anti-social behaviour orders. Members from all parties in the chamber will have received representations on anti-social behaviour orders. We all sympathise with the problem, but are thankful that we do not experience similar difficulties. However, the situation is not confined to the social rented sector.

I want briefly to outline a case that I know of, which involves a group of home owners who are all retired professional people living in a flatted development in a leafy suburb. However, they have one difficult neighbour, whose activities have included everything that Johann Lamont mentioned and worse. ASBOs are likely to be their salvation. They have involved other people in their campaign and fear the consequences, as they now face the prospect of fire-raising and other bizarre behaviour. The cause of their problem has now taken to leaving human excrement on doorsteps and bottling urine and pouring it and the liquid from rotting fruit and vegetables over newly washed windows. As in the case that Trish Godman highlighted, the owners are at the end of their tether. The offender is publicly funded and it appears that the resolution might be to section them. The very idea should chill us all.

I support Johann Lamont's suggestion that there ought to be better regulation.

17:28

**Shona Robison (North-East Scotland) (SNP):**

I, too, congratulate Johann Lamont on securing this very important debate. I want to concentrate on Dundee. In common with many other Scottish cities, Dundee has thousands of tenement properties, many of which are in mixed ownership. Achieving agreement between owners to carry out repairs, let alone maintenance, is a time-consuming and often fruitless process.

In many cases, councils are forced to serve notices on owners to ensure that they comply with basic safety requirements. The majority of the properties in Dundee are in the private rented sector and anecdotal evidence shows that the vast majority of tenants receive some level of housing benefit. As a result, landlords are making thousands of pounds in income, often from some of the most vulnerable tenants, and many are giving little or nothing in return.

As a consequence, properties gradually fall into disrepair and become a blight on surrounding areas and other properties. In turn, property prices are lowered, which leads to negative equity with the frequent result that, when owners move, they are forced into renting and the cycle continues. The situation does not affect the traditional late-Victorian tenements alone; increasingly, it is

spreading into former council estates because of the right to buy, as Linda Fabiani pointed out. It used to be said that one could spot the bought houses because they had double glazing, but it is now more likely that the bought property is the one without the new windows. It is a matter of importance to many communities throughout Scotland and I welcome Johann Lamont's motion.

I have lodged a motion on the related subject of accessing the registration of ownership in order to allow faster resolution of many problems. Part of the problem is trying to find out who owns the property, particularly when it has become vacant and fallen into disrepair. I ask the minister to consider how the Executive can assist local councils in their work by making records of property ownership readily available to them. That would make their job an awful lot easier. I look forward to hearing what the minister has to say about that.

17:31

**Pauline McNeill (Glasgow Kelvin) (Lab):**

I want to address some issues that have arisen in the west end of Glasgow, most of which is in my constituency. The area represents a large proportion of the private rented sector—too much, in fact—and it is a bone of contention that we do not have a housing mix in that area. I hope that the opportunities that might be available in the future are taken to ensure that there is a housing mix—perhaps a harbour development is one to consider.

The inequalities between the private and the socially rented sector must be addressed. It cannot be right that there are powers to regulate social landlords but not private landlords. Johann Lamont has raised such issues not only tonight, but at the Justice 2 Committee, which I convene. During our consideration of the Criminal Justice (Scotland) Bill she had an impact in persuading members that we must have something on interim ASBOs at stage 3. The sharing of information between authorities would go some way to addressing some of those inequalities.

It is my experience that when people bring problems with anti-social behaviour to my surgery, I hope that they are socially rented tenants because I know my chance of dealing with the problem is better—that cannot be right. I signed some sort of charter today, as did other MSPs, and I cannot remember what it was—I hope that I have signed the right thing. Perhaps the bodies that deal with the private sector are thinking about such issues.

There is no fair renting to be had in the private sector. I have constituents—single parents and others—who rent private accommodation whose

rent is so through the roof that the benefits system will not accommodate them. Those people have no one to go to for help.

I do not have time to go into detail on the HMO regulations, but I know that Johann Lamont and the Social Justice Committee have been helpful in requesting a review. The regulations represent an attempt to regulate private sector accommodation. The Executive's intention behind the regulations is to be supported. The regulations make clear that there should be windows and fire exits and the obligations on private landlords are clear. However, the practical effect is a problem, which I hope we can address. I have asked ministers for meetings about the matter and I take the opportunity now to plead with the minister to meet me and interested parties. People in Hillhead, in the heart of my constituency, have a lot to offer ministers about their experiences.

Finally, as everyone has recounted their stories of the private rented sector, my story concerns 4 Cecil Street. I am not the only MSP to have lived in that famous street—I believe that three or four of us have lived there, although I will not name names. It was compulsorily purchased by the local authority because it was literally falling down and people were living in dangerous conditions. *[Interruption.]* The local authority had to compulsorily purchase it in order to demolish it. The land will now be available for the private landlords to take advantage of the higher market value. The campaign in my constituency—I think that the campaigners call themselves the anti-racketeers or something like that—is an indication that there are more issues out there and Cecil Street only highlights the problem.

**The Deputy Presiding Officer:** Perhaps the message on your mobile phone was from the Chartered Institute of Housing in Scotland, telling you what it was that you signed today, Ms McNeill.

17:35

**Ms Margo MacDonald (Lothians) (SNP):** After thanking Johann Lamont for putting private rented accommodation on the Parliament's agenda, I would like to ask, "If the minister is going to meet Pauline McNeill, can I go with her, please?" I would also like to talk to Des McNulty about HMOs. There is a specific problem with HMOs in parts of Edinburgh that were previously known as the leafy suburbs—most unfairly, as they were just full of decent people trying to live in a decent area and bring their children up decently. Those people are now finding that the standards of communal behaviour, which Trish Godman referred to, have fallen.

After the HMO legislation had been in place for a year, a review was carried out. That indicates that

there is a need to include tenancy management issues in the registration procedure. I agree with that. I also back the extension of HMO regulations to ensure that the number of HMOs in a given stair or street is limited. For example, there might be a maximum of two per stair. Such an arrangement should take account of past problems with tenant behaviour and resolution of neighbour issues and might ensure that residential areas such as the ones that I have described are not dominated by one particular type of property. It would also help to ensure that mixed neighbourhoods with families, elderly residents, students and others can exist and that the people in them can get along as a community. We must take measures to ensure that a sense of community is once again injected into city living.

I would also like to raise with the minister the issue of mobile homes. It may seem strange, but in Scotland's boom city we have a bit of a problem with mobile homes, and I foresee that the problem will grow, because rents in Edinburgh are so high. I know of one instance of a private landlord who condemned a mobile home on his site. He then bought the mobile home, did it up and relet it. However, no subsequent checks are carried out to ensure that such properties are done up to a suitable quality or that the reasons why they were condemned have been removed.

There is a park homes charter, but it can only make recommendations. There are legal requirements for mobile homes, under the Caravan Sites and Control of Development Act 1960 and the Mobile Homes Act 1983, but there are lots of loopholes. For example, there are no minimum fire regulations. Mobile homes are not subject to the HMO regulations, so there is tremendous potential for overcrowding. On a mobile home site, home owners have no legal power to complain about the condition of other homes on the site, even if the value of their own home is at risk. Environmental officers to whom I have spoken—particularly those involved in the outskirts of Edinburgh—have said that their hands are tied. I put it to the minister that some attention should be paid to that specific problem.

17:38

**Donald Gorrie (Central Scotland) (LD):** I congratulate Johann Lamont on raising an important issue. We should stress the fact that there are a lot of good landlords and that our criticisms are directed at the minority who are not good landlords.

There are various sets of interaction. First, we must protect tenants from bad landlords in respect of the quality of buildings and the way in which they are managed. Secondly, we must protect tenants and the public purse from landlords who

fleece the benefits system to the detriment of both the tenant and the public, who are paying much more than they should. Thirdly, there is an interaction between landlords and neighbours who foul up tenants' collective attempts to improve the stair or mend the roof. Then there is the problem of the neighbour from hell. Some tenants misbehave, and it can be difficult for neighbours to deal with the problem because they cannot find out who the landlord is or because the landlord pays no attention whatever.

Like other members, I read the various briefings on the matter and two main concepts seemed to be very good. Compulsory certification would be a sort of standard grade. People would have to write in to say that they had achieved certain standards, and it would therefore be known who they were and that they had achieved those standards. There would be an inspection system, so some of those people would be inspected. Above that is the concept of voluntary accreditation, which would be like highers. That voluntary system would be agreed between landlords, authorities and the community. Perhaps stars could be given, such as those that are given to hotels. Good suggestions have been made about how to improve things.

There are opportunities for dealing with the matter through legislation. I understand that legislation will be introduced on the law of the tenement, which could deal with a number of issues. HMOs are licensed, although such licensing may not always work terribly well. We could extend licensing to other buildings and introduce a tribunal and a much-simplified legal system. There could be a rent assessment tribunal, for example, and opportunities for tenants or their neighbours to bring forward their problems with the landlord.

There are ways forward. At the moment, landlords have power without responsibility and we must nail them down so that those who are failing will deliver on their responsibilities.

17:42

**The Deputy Minister for Social Justice (Des McNulty):** I add my congratulations to those that members of all parties have given to Johann Lamont on securing the debate.

I have been struck by the range of speeches, which has shown some of the complexities that are attached to legislating in this area and some of the problems that members want to be addressed. I may not respond to every point that has been made, but I will certainly read carefully in the *Official Report* what members have said. Over the coming months, I hope that I will begin to see how some issues might be addressed and acted on in due course.

Johann Lamont highlighted the point that where problems arise with private landlords, significant inconvenience and nuisance for tenants and private owners in adjacent properties can result. I will go through some measures that are in place for dealing with some of those issues in different contexts and discuss some additional proposals that the Executive is considering.

The Executive has introduced measures to license HMOs such as bedsits and student flats. I have been advised that such properties represent between 5 per cent and 10 per cent of the overall private rented stock, but—as Pauline McNeill pointed out—they are concentrated in certain areas. In such cases, the licensing of HMOs covers management as well as physical standards. To date, such licensing has been successful to a considerable extent in at least beginning to address long-standing issues.

I used to live in Wilson Street, which is probably the street that has the most parties in Glasgow, so I am aware of the issues that can be raised by multiple occupancy and its potential consequences, such as noise and nuisance.

We need to tackle further issues to improve the system of HMO licensing. I would certainly be happy to meet Pauline McNeill in due course to discuss such issues. I could meet Margo MacDonald separately to talk about some of the issues in Edinburgh, which are different from those in Glasgow. I would like to get a different perspective, so I might have joint meetings with colleagues in the two cities on that basis.

It is important to highlight the fact that existing legislation gives tenants some security against rogue landlords. Landlords or agents must follow specified procedures for eviction. They must provide a written statement of the terms of tenancy and, in most cases, a rent book. They are legally obliged not to harass tenants or to evict them unlawfully. There is a requirement that the names and addresses of landlords should be provided on request. We must examine whether those measures are as effective as they need to be.

We have legislated in this Parliament on anti-social behaviour by tenants, on which a number of actions can be taken. Criminal charges can be brought against the anti-social person; the police have powers to seize noise-making equipment; local authorities have powers to make ASBOs; and individuals can seek interdict or non-harassment orders, with powers of arrest where appropriate. I am sure that members would reflect that those measures are all useful, but they do not address the specific issues that Johann Lamont raised, such as what the onus is on the landlord and how we can make the landlord behave responsibly.

I was particularly interested in Johann Lamont's comments about the link between the problems that she highlighted and effective strategies for community regeneration. In that context, the behaviour of some rogue landlords can jeopardise not only the position of individual tenants who live in a specific building, but the process of regenerating an entire community. We must adopt an approach that is based on the context of local housing strategies and consider how we develop such local housing strategies and make them effective in planning and legislative terms.

The Executive has established a housing improvement task force, with a view to raising standards in general and addressing many of the issues that have been raised. The task force is examining in detail the need for various forms of regulation, including alternatives such as comprehensive regulation based on specified physical and management standards to make good practice a legal requirement; registration to ensure that local authorities and tenants have basic information on landlords and their properties; certification that enhances registration requirements to make it mandatory that landlords furnish relevant certificates such as gas safety and fire certificates; and voluntary accreditation schemes to encourage best practice.

**Ms MacDonald:** Do the proposed new regulations encompass mobile homes?

**Des McNulty:** We are considering those issues in the context of the task force. I will feed Margo MacDonald's concerns about mobile homes into that consideration.

It is crucial that we strike the right balance in taking the matter forward. It is difficult to achieve the balance between a light regulatory touch, which is appropriate in the context of good landlords, and the introduction of effective measures to deal with rogue landlords and bad landlords. There may be more than one legislative means of achieving that. Lyndsay McIntosh referred to what might come forward in the context of legislation on the law of the tenement. Issues might be addressed in other forms of legislation that may emerge from the task force. We must address those issues effectively and get the balance right.

The task force is examining the need to change landlords' obligations, not only in respect of management but in respect of repairs and the need to bring repair standards into line with those for the social rented sector. The task force is also investigating giving tenants a voice in enforcing the standards that are to be applied.

The task force report is expected shortly. I give a commitment to Johann Lamont and to the Parliament that we will look at the task force

proposals seriously and take into account the points that people have raised with a view to delivering higher standards and achieving more effective ways of dealing with the maintenance and repair issues and the management issues, which have been highlighted.

The issue of public funds that Johann Lamont raised is difficult, because the reality is that, in the situation that she mentioned, the public funds go to the tenant. Nobody wants to create a situation in which tenants lose out because of the withdrawal of housing benefit. Johann Lamont made that point clearly in her speech.

We need stronger and more effective regulation that takes out bad practice and irresponsible landlordism. We must identify clearly for private and social landlords the terms of their business and we must create circumstances in which the withdrawal of registration, licensing or certification can be delivered effectively. That means that we need effective sanctions and effective local strategies. We are actively working on such measures.

When the report of the task force is published, we will consider options and alternatives. I am sure that the Social Justice Committee, of which Johann Lamont is the convener, will pursue the issue actively. I promise members that we are interested in putting the most effective measures in place as quickly as possible.

*Meeting closed at 17:51.*



Members who would like a printed copy of the *Official Report* to be forwarded to them should give notice at the Document Supply Centre.

No proofs of the *Official Report* can be supplied. Members who want to suggest corrections for the archive edition should mark them clearly in the daily edition, and send it to the Official Report, 375 High Street, Edinburgh EH99 1SP. Suggested corrections in any other form cannot be accepted.

The deadline for corrections to this edition is:

**Thursday 23 January 2003**

Members who want reprints of their speeches (within one month of the date of publication) may obtain request forms and further details from the Central Distribution Office, the Document Supply Centre or the Official Report.

#### PRICES AND SUBSCRIPTION RATES

##### DAILY EDITIONS

*Single copies: £5*

*Meetings of the Parliament annual subscriptions: £350.00*

The archive edition of the *Official Report* of meetings of the Parliament, written answers and public meetings of committees will be published on CD-ROM.

WHAT'S HAPPENING IN THE SCOTTISH PARLIAMENT, compiled by the Scottish Parliament Information Centre, contains details of past and forthcoming business and of the work of committees and gives general information on legislation and other parliamentary activity.

*Single copies: £3.75*

*Special issue price: £5*

*Annual subscriptions: £150.00*

WRITTEN ANSWERS TO PARLIAMENTARY QUESTIONS weekly compilation

*Single copies: £3.75*

*Annual subscriptions: £150.00*

Standing orders will be accepted at the Document Supply Centre.

Published in Edinburgh by The Stationery Office Limited and available from:

**The Stationery Office Bookshop**  
**71 Lothian Road**  
**Edinburgh EH3 9AZ**  
**0131 228 4181 Fax 0131 622 7017**

**The Stationery Office Bookshops at:**  
123 Kingsway, London WC2B 6PQ  
Tel 020 7242 6393 Fax 020 7242 6394  
68-69 Bull Street, Birmingham B4 6AD  
Tel 0121 236 9696 Fax 0121 236 9699  
33 Wine Street, Bristol BS1 2BQ  
Tel 01179 264306 Fax 01179 294515  
9-21 Princess Street, Manchester M60 8AS  
Tel 0161 834 7201 Fax 0161 833 0634  
16 Arthur Street, Belfast BT1 4GD  
Tel 028 9023 8451 Fax 028 9023 5401  
The Stationery Office Oriel Bookshop,  
18-19 High Street, Cardiff CF12BZ  
Tel 029 2039 5548 Fax 029 2038 4347

**The Stationery Office Scottish Parliament Documentation**  
**Helpline may be able to assist with additional information**  
**on publications of or about the Scottish Parliament,**  
**their availability and cost:**

**Telephone orders and inquiries**  
**0870 606 5566**

**Fax orders**  
**0870 606 5588**

**The Scottish Parliament Shop**  
**George IV Bridge**  
**EH99 1SP**  
**Telephone orders 0131 348 5412**

[sp.info@scottish.parliament.uk](mailto:sp.info@scottish.parliament.uk)

[www.scottish.parliament.uk](http://www.scottish.parliament.uk)

**Accredited Agents**  
(see Yellow Pages)

and through good booksellers