

MEETING OF THE PARLIAMENT

Thursday 13 March 2003

Session 1

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Scottish Parliament

Thursday 13 March 2003

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

International Situation

The Presiding Officer (Sir David Steel): Good morning. Our first item of business is a debate on motion S1M-4012, in the name of John Swinney, on the current international situation.

I must tell the Parliament that the debate is heavily over-subscribed even before I invite members to press their request-to-speak buttons, which I do now. Therefore, very strict time limits for speakers will be imposed by the presiding officers during the debate. We will give a 30-second warning towards the end of each speech, at which point members should close. No overruns will be allowed for any of the opening speeches or for those of other members. We will also bear in mind, when making our selection of speakers, those who did not get a chance to speak in the previous debate on the issue. It would be enormously helpful if those who are opening took less than their allotted time to allow more members to be called.

09:31

Mr John Swinney (North Tayside) (SNP): Two months ago, the Scottish National Party led a debate in this, our national Parliament. That day we set out our “deep and serious concern” that the United Kingdom Government was pursuing an “inevitable path to war.” Two months on, and I believe that we were right then and that we are right today: Tony Blair and George Bush are determined to go to war, regardless of the United Nations, of world opinion and of the evidence. The final proof of that was revealed this week. Before a single shot has been fired, the United States is inviting tenders for post-war building work in Iraq—war in Iraq is now an economic opportunity for American construction firms. When thousands of lives, the middle east peace process and the stability of the world are all at risk, that is nothing short of an obscenity.

Much has happened over the past two months that demands further debate in our Parliament. Events have taken place that could shape the future of our world and our country’s place in that world. In recent weeks we have witnessed further reports from the United Nations weapons inspectors, an accelerated military build-up, intense diplomatic manoeuvring and a deadline for

war. Yesterday, the United Nations was thrown into chaos as the lobbying for war grew ever more desperate. However, despite the frantic efforts since our debate on 16 January and despite the marches, the arguments and the counter-arguments, one thing has remained constant: the people of Scotland have not been moved. We and millions around the globe are saying to Tony Blair and George Bush, “Not in our name.”

Johann Lamont (Glasgow Pollok) (Lab): Does Mr Swinney accept that there are serious people on both sides of the argument and that people in Scotland do not speak with a unanimous voice on the issue? The Westminster debate reflected the fact that people on both sides of the argument take the matter seriously and have come to different conclusions. We should give them the respect that they deserve and listen to what they have to say.

Mr Swinney: I could not agree more with Johann Lamont. That is why we are having a three-hour debate in my party’s parliamentary time, which will give those of every shade of opinion the opportunity to set out their case to our national Parliament. Every shade of opinion in Westminster had a similar opportunity.

My position—a position that is endorsed by John McAllion’s amendment—is that no case for military action against Iraq has been proved. I believe that any pre-emptive action taken by the US and the UK without a specific UN mandate would be contrary to international law. That was the point of the motion that Susan Deacon recently lodged. I believe that no UK forces should take part in any military action without a UN mandate that authorises specifically action that is based on clear, compelling and published evidence. I think that that is the point that the Liberal Democrat amendment makes, although I hope that Jim Wallace will confirm that later.

Bristow Muldoon (Livingston) (Lab): On the basis of Mr Swinney’s argument today, does he maintain that the SNP was right to oppose the ending of ethnic cleansing in Kosovo in 1999?

Mr Swinney: In the interests of having a quality public debate about a war that the people of this country will face in the ensuing few days, we should concentrate on the dangers of such a war rather than play Bristow Muldoon’s political games.

I want to make two clear points at the outset of my argument. First, the SNP and I will always support Scottish armed forces. Hundreds of Scotland-based servicemen and women are being deployed to the gulf and part of our support for our troops is our telling the Government—the people who give the orders—when it is wrong to commit our troops to action. Our courageous and

professional servicemen and servicewomen expect to be deployed as a last resort when all other options have been exhausted. Today, although the inspection regime is delivering results, that is patently not the case.

The second point that I want to stress is that there is no disagreement in the Parliament that Saddam's barbaric regime is appalling and unacceptable. I find it offensive that those of us—in all parties—who oppose war are lectured on the nature of Saddam's regime. We are all well aware of Saddam's atrocities, but members of the Conservative Government were similarly aware when they approved the building of an Iraqi chemical weapons plant when Saddam was using poison gas during the Iran-Iraq war. Therefore, I will take no lectures from the gung-ho faction that warns of the dangers of Saddam's weapons of mass destruction. Those dangers have been heightened by the actions of previous UK and US Governments, which should be ashamed of their actions.

More than 50 years ago, the countries of the world came together in the city of San Francisco to establish the United Nations. Their primary aim, which was set out in the first words of the UN charter, is:

“to save succeeding generations from the scourge of war”.

Crucially, the charter sets out that

“armed force shall not be used, save in the common interest.”

The common interest is not the interest of the United States or the United Kingdom, but the interest of the world as a whole.

Nobody has given the United States monopoly power to decide what the interests of the rest of the world should be—that attitude is at best patronising and, at worst, profoundly dangerous. The proper forum for deciding the world's common interest is the United Nations and not the oval office. The United Nations has spoken; any unilateral war launched against Iraq would be contrary to international law. In a significant intervention, the Secretary-General of the United Nations, Kofi Annan, said only on Monday:

“If the US and others were to go outside the Council and take military action, it would not be in conformity with the charter.”

From the world's top diplomat, that is as damning an assessment as it is possible to get.

It is clear that, as we debate the issue today—perhaps days from war—there is no UN mandate for military action in Iraq and there will, in the foreseeable future, be no UN mandate for military action in Iraq. For those of us who believe in the rule of international law, that means that there should be no military action in Iraq.

Murdo Fraser (Mid Scotland and Fife) (Con): I am obliged to Mr Swinney for giving way. He rightly puts much emphasis on international law. However, does he accept that for every statement on international law that argues that another UN mandate is required, there is an equally authoritative statement that supports the contrary argument? For example, the emeritus professor of international law at the University of Strathclyde is quoted today as saying that another mandate is not required. Surely Mr Swinney cannot be categorical on that point.

Mr Swinney: If Murdo Fraser will bear with me, I will address that point directly.

The United Nations Security Council resolution 1441, which was adopted on 8 November, is not a mandate for war.

Members: Hear, hear.

Mr Swinney: I am glad to hear that the Liberal Democrats agree with that point. Nowhere in resolution 1441 is there a specific authorisation of force. The resolution calls for disarmament, establishes an enhanced inspection regime and warns Iraq that it will face “serious consequences” if it does not comply. Writing in *The Herald* this week, Robert Black, professor of Scots law at the University of Edinburgh, said:

“There is absolutely no warrant in principle or authority for maintaining that this entitles one or more of the members of the Security Council, as distinct from the Security Council as a body, to determine what those consequences shall, in fact, be.”

I am happy to give way to the First Minister, who is muttering asides.

The First Minister (Mr Jack McConnell): Will Mr Swinney acknowledge that Mr Robert Black has been seriously wrong in the past on issues of concern to this country, including the Lockerbie disaster, in which hundreds of people died?

Mr Swinney: His running down of distinguished Scottish academics is not exactly a tribute to the First Minister's stance.

The First Minister: It was wrong to run down Scots law when that law worked in the international interest and in the court in the Netherlands. Mr Black was wrong then and could be wrong again.

Mr Swinney: If that is what the First Minister is reduced to, it says everything about what he has to contribute to the debate.

Professor Black has further argued that the recent draft resolution—the so-called “second” resolution—does not constitute a legal mandate for war. He has said:

“Any contention by the UK and US governments that Resolution 1441 (either alone or if supplemented by the

draft resolution) legitimises in international law resort to armed intervention in Iraq is without legal foundation.”

I accept that that is just the opinion of Professor Robert Black. However, I do not know whether any member watched “Newsnight” last night, during which a clip was played of the United States ambassador to the UN. When he moved resolution 1441, he could not have been clearer: he said that resolution 1441 did not contain any automatic triggers for war. The First Minister’s ridiculous argument is that we should question distinguished Scottish academics, but how on earth can he question the position of the person who moved the resolution in the Security Council? I do not see any member wanting to intervene now.

In the previous gulf war, when my party supported the position of the Government of the time, the UN had passed a resolution stating that “all necessary means” should be used to enforce compliance. We do not have a resolution that uses terms to authorise war because the UK and the United States know that the Security Council will not agree to such authorisation, because the majority of Security Council members know that the case for war against Iraq has simply not been proved. Even the 7 March resolution—which set a deadline, but does not constitute a mandate—will not receive Security Council approval. Whatever happens, President Chirac has said that France will exercise its veto. The Prime Minister’s reaction is that for President Chirac to do so would be “unreasonable”.

We are left with the question: when is a veto reasonable or unreasonable? Since 1980, Britain has voted with the majority of members of the Security Council on resolutions relating to Israel and the occupied territories on 14 occasions and the United States has vetoed those resolutions. Why is it reasonable to veto the legitimate aspirations of Palestinians and unreasonable to veto war in Iraq?

Johann Lamont: Does the member therefore agree that the concept of an unreasonable veto exists and does he accept that those of us who are concerned about the Palestinian problem question the United States’ will in that matter? Does he agree that there is an issue relating to people taking responsibilities inside the Security Council and the broader international community’s acknowledgement of that?

Mr Swinney: I ask Johann Lamont merely to go and explain that to the Palestinian people, whose aspirations have been thwarted by the vetoes that I mentioned.

Mr Blair should be worried not only about France’s veto—he should be worried that he has failed to win the argument, despite all his efforts. He has failed to do so because no one is clear

precisely what his argument is. Last year, the argument was that there should be regime change; then there was to be a war against terrorism; then the argument was about disarmament; then the moral case was made. Last week, President Bush returned all the way back to the beginning and said that the matter was about regime change. If the United States and the UK cannot agree a justification between them, how on earth can they expect the rest of the world to support a war on Iraq?

The rest of the world supports the inspection process, which is starting to work. On 14 February, Hans Blix reported increased co-operation from Iraq. On Friday, he reported further progress. On interviewing scientists, he said:

“Iraq has provided the names of many persons”,

and on alleged mobile production units for biological weapons, he said that

“No evidence of proscribed activities have so far been found.”

On destroying al-Samoud 2 missiles, he said:

“The destruction undertaken constitutes a substantial measure of disarmament ... We are not watching the breaking of toothpicks. Lethal weapons are being destroyed”,

and on chemical weapons, he said that

“There is a significant Iraqi effort under way to clarify a major source of uncertainty”.

On the matter of time, he said:

“It would not take years, nor weeks, but months.”

If the process can take months, why did the British Government set a deadline of 10 days? The international community has asked the inspectors to undertake an onerous task and we should give them the time that they need to complete the job that we have asked them to do.

Mr Keith Raffan (Mid Scotland and Fife) (LD): Does Mr Swinney agree that the inspections are achieving containment and that Iraq is currently no threat to us or to its neighbours?

Mr Swinney: That is a fair point.

Phil Gallie (South of Scotland) (Con): Does the member believe that Iraq would have made the recent concessions if there had not been the pressure of having troops on its borders?

Mr Swinney: The concessions have been brought about by the pressure of the international community to ensure that Iraq complies with resolutions that have been passed by the UN.

This week, it has become clear that the inspectors will not be given enough time. The United States wants the inspections to be over by tomorrow and the UK wants them to be over by

Monday. Both countries have rejected the Franco-German proposal that they should be allowed 120 days and the non-aligned proposal that they should be allowed 45 days; the United States has decided to go to war and nothing will divert President Bush from that path. I doubt that anyone in this country honestly believes that the UK Government is in control of events or the time scale. It has never been more obvious that, on this issue, power lies with the United States and that the UK is simply an outpost for the White House's press office.

The British Government is now relying on what it calls six key tests—six conditions that it has set for Iraq in order to avoid war. One of those tests is that Saddam Hussein should appear on television. Last night, a former national security adviser to the White House called that test trivial—he was right. Tony Blair must understand that demanding a television appearance is no substitute for a legal mandate for war.

As with all wars, there is one certainty—civilians will suffer most and innocent people will die. According to the UN, up to 2 million people could be left homeless and some 900,000 refugees could be created. In February, the UN launched an appeal for \$120 million to cope with the impending humanitarian disaster but, so far, western Governments have pledged just a quarter of that amount. The British Government has allocated an extra £1.75 billion to the Ministry of Defence to fight the war, but the Department for International Development has not received an extra penny to cope with the consequences of that war. I have no doubt that many of those who support war do so out of genuine concern for the Iraqi people and the conditions in which they live, but I would have more respect for the politicians who make such arguments if they backed their tough words with hard cash.

These are desperately dangerous times for the world and the issues are desperately difficult to wrestle with. No right-thinking person can feel anything but revulsion for Saddam Hussein's regime. However I, and the vast majority of people in this country, cannot escape the feeling that what is happening is plainly wrong. A unilateral strike on Iraq, ignoring international law and going to war without the evidence are all wrong.

Three years ago, in a widely admired speech, the now deputy leader of the Scottish Labour party told the Parliament:

"Please understand that the peace process is not just about an absence of war; it is about taking positive steps to resolve conflict."—[*Official Report*, 11 Nov 1999; Vol 03, c 614.]

As I survey the world today, I simply do not believe that enough has been done to resolve the conflict peacefully. The next few days will prove to be

crucial for all of us who live on this fragile planet; decisions that will be made will have profound consequences for generations to come. Today, the Parliament can make its voice heard—I urge the Parliament to ensure that that voice is a voice for peace.

I move,

That the Parliament believes that no case for military action against Iraq has been proven; believes that no United Kingdom forces should take part in any military action without a United Nations mandate that specifically authorises such action and is based on clear, compelling and published evidence, and believes that any pre-emptive action by the United States of America and the United Kingdom without such a mandate would be contrary to international law.

The Presiding Officer: I thank Mr Swinney for taking less than the allotted time, despite taking interventions.

09:50

Mr Jack McConnell (Motherwell and Wishaw) (Lab): In October 1977, I went on my first demonstration. We were protesting against apartheid and demanding the end of an evil regime. Britain was on the right side on that issue, but we called on the British Government—a Labour Government—to do more to help. In the same year, I met student refugees who had, fleeing a murderous dictatorship, come to Scotland from Chile. I also demonstrated for them against that regime. Throughout my adult life, I have cared passionately about pain, suffering, persecution and injustice around the world. People of all political persuasions and of none in Scotland and throughout Britain have done the same in the name of democracy, freedom and justice.

Just over 20 years ago, I met an Iraqi student who was based in Scotland and who told a conference about the horrors back home and the efforts of the Iraqi secret police to track him down at university in Scotland. When we gave him our support, we were protesting against Saddam Hussein and in favour of the British Government's doing more to protect those who were suffering under his persecution. Like many other Scots, my political views have been shaped by international events. They have been driven by a desire to change other countries, as well as my own, and shaped by the Falkland Islands and gulf wars. My views have been driven by our knowledge of the suffering that is experienced by so many people from Palestine to central America to the Balkans.

Because of the sacrifices of our parents and grandparents, my generation knows the benefit of international institutions in helping to preserve our freedoms and the peaceful existence that we have been able to enjoy. The European Union, the North Atlantic Treaty Organisation, the

Commonwealth and the United Nations have each contributed to the stability and peace that has been enjoyed by Britain in my lifetime. That is just one of the reasons why they are vital as we enter another century and learn to co-exist in an ever-changing, complex and increasingly interdependent global community.

I enter this morning's debate on the side of peace, freedom and justice, and on the side of those who protest against injustice and for change, and of international institutions such as the United Nations.

Tommy Sheridan (Glasgow) (SSP): I am glad that the minister protested against apartheid in 1977. Whose side is he on now, however? Is he on the side of Nelson Mandela, who is against this war, or is he on the side of George Bush?

Mr McConnell: I am on the side of the people of Iraq. I remind Mr Sheridan that, for decades—well over a century—socialists have supported those who are being persecuted and have been willing to take action to defend them and their freedoms.

Labour's amendment states clearly the crucial role of the UN in helping to resolve all of the conflicts between nations in the middle east. We want all nations, including the United States of America and France, to work inside the UN, not alone. Labour's amendment supports the UN, which has already condemned the Iraqi regime and insisted that Saddam Hussein must co-operate with the will of the international community and do so fully, without qualification or equivocation. Labour's amendment recognises the efforts of the UK Government to secure another resolution in the UN Security Council in advance of any military action that might be required.

Mr Swinney: I hear what the First Minister says about the UK Government's attitude to a second resolution in the UN. Will the First Minister support military action if there is no second resolution in the UN?

Mr McConnell: I have three things to say in answer to that question. First, it would be wrong, in this country and elsewhere, to comment on hypothetical situations when the Prime Minister is involved in efforts, even today, to secure that resolution in advance of action.

Secondly, it is wrong for a country such as France—which has an international reputation that has had its ups and downs over the years, but which still has international responsibilities—to say in advance of whatever happens over the coming days and weeks that it would veto any resolution no matter what it said.

Thirdly, it would be wrong not to go back to the recent example that Mr Swinney was unwilling to comment on in his opening speech. In the last

debate that we had in the Scottish Parliament on this subject, Tom McCabe reminded the Scottish National Party that it opposed the action in Kosovo, which was the subject of a veto but which no sane person now questions was right.

Andrew Wilson (Central Scotland) (SNP): Nonsense.

Mr McConnell: That day, Andrew Wilson said that Alex Salmond was right to describe that action as "unpardonable folly". However, he was not right; he was wrong. That example proves that, at that time, the right decision was made in the right circumstances. In each and every circumstance, a decision has to be made that measures the circumstances of that time.

Mr Swinney: The First Minister said that he would not comment on hypothetical situations, but then went on to comment on actions that the French Government might take. The core question in this debate, when we strip away everything else, is: will the First Minister support unilateral military action without a specific mandate from the United Nations? Yes or no?

Mr McConnell: I will address that point. The amendment that I will move makes the point that action should be authorised by the United Nations.

Difficult decisions must be made in the next few days. Those decisions will, rightly, be taken by the elected Government of the UK on behalf of all of the people of Scotland, England, Wales and Northern Ireland. We believe that the House of Commons should, if at all possible, vote again before any conflict, but the decisions are complex and this is not a game. None of us wants unnecessary war and we all have concerns about the impact of military action on innocent people, but we also have concerns about the impact that not taking action will have on innocent people inside Iraq and elsewhere in the world.

March 16 will be the 15th anniversary of the largest ever chemical attack on a civilian population: the gas attack that Saddam Hussein carried out on his own people in 1988. Let us be in no doubt about the impact of his regime on his own people and the threat that his regime poses to the world community.

Because we want a peaceful solution, we must have no doubts in our determination to back UN resolution 1441 and we must show no sign of weakness in backing the demand for the Iraqi regime to give up its weapons of mass destruction. Resolution 1441 confirms that Iraq is already in material breach of its obligations to the international community. It sets a final challenge for Saddam Hussein to openly and honestly give up those weapons and to co-operate fully and quickly. Resolution 1441 does not ask for evidence of his guilt; it confirms his guilt. The UN

demands evidence that he has changed. The resolution was passed unanimously; there were no votes against it so there can be no doubt that it was a serious and final declaration.

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I accept the point that resolution 1441 was not a trigger for war. The phrase that the UN traditionally uses in its resolutions that act as a trigger for war is “all necessary means”. That was used in the resolution that triggered the previous gulf war. Resolution 1441 certainly does not give a green light for military action.

Mr McConnell: There are different views on that matter. Our objective should be to secure a second resolution in advance of military conflict. That is exactly what the Prime Minister is trying to do. It is precisely because we want a peaceful solution and because we back the authority of the UN that I believe that our Prime Minister is right to propose this week that Iraq be given one final deadline and the clarity of simple tests to meet. There are those who would argue that that new initiative simply delays the inevitable and that action should be immediate. However there are public concerns; there is still the possibility that there will be a peaceful solution and one final effort is worth while.

We are not talking about a second resolution, of course; it would be the 18th resolution. It is the arrogance of Iraq in defying the consistent will of the UN that threatens the authority of the UN.

Tommy Sheridan: What about Israel?

Mr McConnell: Two wrongs do not make a right.

Of course, the UN and countries such as the UK will not rush to war and they will attempt to achieve peaceful change. For the sake of the people of Iraq and the wives, mothers, husbands and children of our troops, that is our duty. For the UN to be taken seriously and for its resolutions to have any standing at all, we must sometimes be willing, in the right circumstances, to back words with deeds.

Robert Brown (Glasgow) (LD): Will the First Minister give way?

Mr McConnell: Not at the moment. Given the threat from international terrorism to this country and throughout the world, and given the callous nature of the regime in Iraq, which is not willing to give up its weapons of mass destruction, it would indeed be an act of unpardonable folly for us to stand on the sidelines and do nothing.

There are many views within the Labour party—which I am proud to lead in Scotland—about the way ahead on the issue. Those views are reflected in the Parliament, and they reflect the diverse

views and opinions that exist in the communities that we represent. There is no one simple voice that speaks for all Scots on such a complex matter. Our job in the Parliament is to listen, to reflect, to speak from principle and to contribute to the representation and development of public opinion in our land.

I do not disparage any view that is expressed from principles that are deeply felt and honestly motivated. I am angry, however, at the inconsistent, dishonest and irresponsible views that have been expressed by the nationalist leadership. One day, the nationalists are against any wars; another day, war might be possible. One day, they are for the United Nations, but every other day, they second-guess its decisions. Now and again, they remember to mention support for the troops, but they are not prepared to help them to prepare for the possibility of battle.

Never have so many inconsistencies been expressed so often by so few. On Saturday, the nationalist leader says, “Not in my name, no way.” On Monday, it is, “Maybe in my name, when I think the UN has got it right.” In the same interview, Mr Swinney tells the SNP, “We will follow the will of the United Nations.” He will allow that to happen, however, only if he agrees with the UN resolution.

When he is under pressure, the leader of the SNP says that he will support Scottish troops in conflict, yet he describes spending money on their preparation and safety as immoral. He should be ashamed. In two short months, the Scottish nationalist party has shown its inexperience and lack of principle. The only thing that is clear is that it is not fit for government.

I hope that we have a mature debate this morning, and that our speeches and decisions reflect well on this young Parliament. We have the right to debate issues, responsibility for which lies elsewhere. We should use that right sparingly and, when we do so, we should use it well. On an issue as serious as the current international situation, those in Parliament who wish to exploit genuine fears and worries for electoral gain should think twice.

International relations are complex—they are life enhancing, but they are also life threatening. When we speak in Parliament, we should consider all the implications of our actions. When our Prime Minister has recognised public concern and has moved to ask the UN to give Saddam Hussein one last chance, we should not undermine his efforts to secure not just peace and justice in Iraq, but stability and strength in the United Nations.

Some will wish the elections for the second session of Parliament to be dominated by Iraq. They will do so not on principle, but because they do not want to defend their policies for Scotland.

They will not succeed, however: Scots will see through that deception. In the weeks ahead I, as a concerned Scot, will persist in my interest in events that are unfolding elsewhere in the world. I also want Parliament to have a proper mandate: a mandate on the future of Scotland and on the direction that we take in the years to come.

On 1 May, people in Scotland will have a choice to make for Parliament and for the next four years. I hope and believe that they will choose between us on the way in which we will use the powers of devolution to make a difference here in Scotland. They will reflect on other matters and on how we conduct ourselves here, in their name.

The mark of leadership in Scotland is to speak on the big issues of the day, but to do so honestly and consistently. True leadership looks beyond the next vote, backs the right course of action and does not simply make statements to different audiences in a vain attempt to win votes at any price. Scotland deserves better than that, which is why I urge the Parliament to back our amendment.

I move amendment S1M-4012.6, to leave out from first "no" to end and insert:

"the authority of the United Nations is crucial to resolving conflicts in the Middle East, that Saddam Hussein is a danger to the international community, the region and his own people and that Saddam Hussein should co-operate fully with the implementation of UN resolution 1441 and notes the objective of Her Majesty's Government to secure a further resolution in the UN Security Council before any military intervention."

10:05

David McLetchie (Lothians) (Con): As my colleague Phil Gallie made clear during the previous debate on the Iraq situation, the Conservatives accept that the Scottish National Party is perfectly entitled to bring this issue before Parliament for debate. Equally, we are entitled to point out that there is more than a hint of political opportunism in the motion before us. We are less than two months away from an election—*[Interruption.]*

The Presiding Officer: Order. The opening two speakers were heard in silence and Mr McLetchie should be heard in silence too.

David McLetchie: Thank you, Presiding Officer. We are less than two months away from an election that should be about how we tackle crime, improve our schools and hospitals and strengthen our economy. People can draw their own conclusions from the fact that, instead of discussing those issues, over which this Parliament has control, the Scottish National Party wishes to talk about an issue over which we do not have control, and which has already been debated here on two previous occasions as well as in

Scotland's other Parliament, at Westminster, where questions of foreign and defence policy are properly decided.

Mr Kenneth Gibson (Glasgow) (SNP): Is Mr McLetchie seriously telling us that Scotland's Parliament should not debate the key issue of the day, when local authorities throughout Scotland and the UK have been debating it? Is he aware that all 79 councillors on Glasgow City Council, including the sole Tory, said that there should be no pre-emptive strike on Iraq? This is the most important issue of the day and we should be discussing it, not saying that this is not a matter for the Scottish Parliament.

David McLetchie: I do not think that Mr Gibson heard my opening remarks. I said that we are entitled to have this debate. I also pointed out that Scotland has two Parliaments that are entitled to debate this subject, with legal responsibility lying with the Parliament down the road, where, in my view, it should remain.

It is clear that the Scottish National Party has concluded that it is not going to make any impression if it concentrates on issues that are our responsibility, and that its only chance on 1 May is to pose as the so-called anti-war party. I use the word "pose" advisedly, as that is exactly what the SNP is doing. Mr Swinney does not rule out war under any circumstances and neither do the Liberal Democrats. I accept that it is the position of some members that we should rule out war under any circumstances. Although I think that they are profoundly misguided, I respect their right to that opinion.

I am afraid that I have no such respect for the opinion of the SNP. It claims to support the United Nations but, at its recent party conference, its leader gave a speech denouncing military action even before we had heard what Dr Blix had to say. In its motion, the SNP is saying that it will support a United Nations resolution authorising action against Saddam, as long as that conforms to exactly what the SNP wants, and on its terms. The SNP reserves to itself the right to second-guess the Security Council, which is an arrogant delusion of grandeur on a truly epic scale. John Swinney and Jacques Chirac share one thing in common: both want to wield an unreasonable veto.

Mr Swinney: From his former—or continuing—profession as a lawyer, Mr McLetchie will understand the importance of obeying the law. International law—the United Nations charter and other provisions—makes it quite clear that there is no ability for nations to take unilateral action such as that being proposed by the United States and the United Kingdom. Does Mr McLetchie accept that, in 1991, there was a particular, specific authorisation for military intervention, which had been passed by the United Nations, and that no

such provision exists now? The source of that point is not me, but the person who proposed the resolution that Mr McLetchie hides behind in this debate.

David McLetchie: Mr Swinney's point about the automatic trigger and his reference to the US ambassador to the UN are interesting. The American ambassador was absolutely right. There is no automatic trigger in resolution 1441. The matter rests on Saddam Hussein's ability to adhere to the 17 previous resolutions, to declare, destroy and disarm, and to avert the possibility of war. All that is required is for the Hussein regime to comply with the resolutions that have been passed. My reference to automatic triggers concerned that point.

The truth is that the SNP and, to some extent, the Liberal Democrats are guilty of fraud on this subject. Their leaders appear at anti-war demonstrations, giving the impression that they oppose war. However, their real position is far more equivocal. Such unprincipled politics have long been the hallmark of Mr Rumbles and his friends. However, it seems that the SNP has decided to compete for the mantle of the most two-faced party in Scottish politics. It is playing politics with the lives of Scottish servicemen, and its members should be thoroughly ashamed of themselves.

Tommy Sheridan: Will the member give way?

David McLetchie: No. I ask Mr Sheridan to be quiet. I have not come to his party yet.

There is of course the chaos and division that is engulfing the Labour party.

Mr Raffan: Will the member give way?

David McLetchie: No.

The fact that that division spreads all the way up the Cabinet does nothing to help the credibility of the Government. Indeed, it merely reflects the fragility of Mr Blair's position. The main criticism that can be levelled at the Prime Minister—

Mr Sheridan: Will the member give way?

David McLetchie: No.

The main criticism that can be levelled at the Prime Minister is that at least six months ago, he failed to set out a full and coherent account of the case against Saddam Hussein's regime. Instead, he simply expressed his personal commitment to ridding Iraq of its weapons of mass destruction. He asked the British public to trust him. Not surprisingly, he has not managed to convince even his own party, let alone the British public.

Andrew Wilson: Does Mr McLetchie not realise that now is not the time for playing the man and not the ball? Should he not raise his game and talk

about the issues involved rather than the personalities?

David McLetchie: I always rise to Andrew Wilson's challenges. I intend to do so today and, indeed, I have already done so.

The Prime Minister failed significantly in his task because the case against Saddam Hussein's regime is overwhelming. Saddam Hussein has been at war with his own people for more than 30 years. He matches his political hero, Joseph Stalin, in his success at liquidating domestic opponents. Iraqi dissidents in this country have realised that their country will not be freed from this tyrant without the help of the international community. Yet, to the eternal shame of the so-called anti-war movement, almost all the Iraqi groups that are fighting for freedom and democracy in their own country have been excluded from the anti-war coalition. That is not surprising, as they are an embarrassment to Mr Sheridan and his friends on the far left. We all know that the far left has never been too keen on either freedom or democracy.

Tommy Sheridan: I am glad that Mr McLetchie mentioned the past 30 years of brutal repression under Saddam Hussein. Will he condemn the previous Tory Government for arming and trading with Saddam Hussein?

David McLetchie: People in the French Government and French companies are some of the biggest arms traders.

I will address Mr Sheridan's underlying point later. He and others of his ilk are always quick to point out the so-called double standards of the west and of the United States in particular. It is true that we and the United States have supported unpleasant regimes, but that support was given on the basis that my enemy's—

Tommy Sheridan: But the member does not know—

David McLetchie: I ask Mr Sheridan to please listen; he might learn something.

That support was given on the basis that my enemy's enemy is my friend, or that when faced with a choice we may have backed the lesser of two evils rather than neither of them. That has been the realpolitik of the past.

We must recognise that American foreign policy has changed after the traumatic events of 11 September. No longer are the Americans willing to put up with so-called friends who try to deflect internal discontent by stirring up anti-Americanism. The Americans have adopted a far more principled position that recognises that the safety and stability of the world depends on encouraging free and democratic regimes in the middle east.

I am sad to say that the knee-jerk anti-Americanism of many in the SNP and the Scottish Socialist Party blinds them to that truth. It also blinds them to the fact that the Iraqi people could not care less about the alleged hypocrisies of the past. They simply want our support in their fight for liberation now.

We should be quite clear that Saddam Hussein poses a threat to international peace and security. The UN certainly thinks so and has said as much in resolution after resolution over the past 12 years. Chapter VII of the UN charter specifically and exclusively deals with threats to international peace and security. Military force is specifically permitted if deemed necessary to deal with such threats.

All the 17 United Nations Security Council resolutions that have been passed about Iraq in the past 12 years fall under chapter VII of the UN charter. Indeed, resolution 1441 deliberately replicates the language of article 42 of the charter. No country that signed up to resolution 1441—including France—can be in any doubt about what it means. The resolution warns Iraq of “serious consequences” in the event of its failing to disarm. What could be more serious than military action?

Mr Duncan Hamilton (Highlands and Islands) (SNP): Mr McLetchie is right to quote the term “serious consequences”. Will he confirm that the definition of “serious consequences” is a matter for the Security Council alone and that it is not for member states to define the term as they wish?

David McLetchie: I do not accept that that is necessarily the position. The language of resolution 1441 provides sufficient validation for the action that it is proposed should be taken.

Although a so-called second resolution—which would in fact be an 18th resolution—would be highly desirable, it is not and has never been a legal prerequisite for military action. A divided and indecisive outcome of deliberations in the UN would boost considerably Saddam Hussein’s hopes of getting away with it once again. We must not allow that to happen.

In these difficult times, we must give our trust and support to the Government’s judgment. Our security is at stake. The freedom and future of millions of people who are living under a repressive regime in Iraq are at stake. We should have the courage of our convictions and principles and should give the Government and people in Iraq the backing that they need at this difficult time.

I move, as an amendment to amendment S1M-4012.6, amendment S1M-4012.6.1, to insert at end:

“registers its concern that the report published by the International Development Committee of the House of

Commons concludes that insufficient emphasis has been placed on the humanitarian implications of military action in Iraq and urges Her Majesty’s Government, in co-operation with the United Nations, aid agencies and other governments, to address this as a matter of priority.”

10:17

Mr John McAllion (Dundee East) (Lab): No member of this Parliament is responsible for the fact that just seven weeks before a Scottish general election we find ourselves on the cusp of a major war and need to debate where the Parliament stands in relation to that war. Although it is naive to assume that the war will not be a factor in the outcome of the Scottish general election, I honestly ask those who participate in the debate to put thoughts of that election to one side—at least for the next three hours. This subject is far too serious for petty party point scoring. Any party that seeks to exploit a war situation for party advantage will stand condemned in the eyes of the Scottish people—and rightly so.

I stress that amendment S1M-4012.6.2 is our amendment. Although it appears in the business bulletin in my name, five other MSPs have signed it and I hope that many more MSPs will support it at the end of the debate. The effect of the amendment is to ask the Scottish Parliament to support a single sentence, which reads:

“this Parliament believes that no case for military action against Iraq has been proven.”

That is a simple but powerful statement. It has the potential to unite all members of the Parliament who are concerned to stop the outbreak of what now appears to be an imminent attack on the Iraqi people.

We know that the United Nations has not sanctioned any attack on Iraq. There is no second Security Council resolution authorising such an attack. Those who believe that any attack without explicit UN sanction and authorisation would be wrong and a breach of international law can vote for the amendment, because without such sanction and authorisation the case for an attack on Iraq has simply not been made or proven.

Phil Gallie: No one doubts John McAllion’s integrity on this matter. However, I ask him to take his mind back to the situation in Rwanda in the 1990s. Can he recall being critical of a Tory Government and of the United Nations for failing to protect the people of Rwanda? Does he not feel some compassion for the people of Iraq?

Mr McAllion: It is because I feel compassion for the people of Iraq that I am opposed to the horrendous strike against them that the Governments of the United States and, unfortunately, the UK are planning.

Those who are troubled by the United States and UK Governments' revisionism in relation to the United Nations charter can also support the amendment. The charter is crystal clear: the Security Council, and only the Security Council, can determine what constitutes a threat to peace or an act of aggression; and the Security Council, and only the Security Council, can decide what an international response to such a threat should be. The one exception to that rule is article 51, which allows individual or collective action in self-defence against an armed attack only until such time as the Security Council has put into place the measures to restore and maintain international peace and security.

Those are the facts. No one is arguing that the attack on Iraq would be justified under article 51. Under international law there is no such thing as an unreasonable veto. As an opinion-former said in one of the papers yesterday, a veto is a veto is a veto and that is the end of it.

Johann Lamont: Does the member agree that there is a lot of evidence of the Americans exercising an unreasonable veto, which has created great problems for people whom we would wish to support, particularly in the middle east?

Mr McAllion: The tragedy for Johann Lamont and me is that our party supports the Americans, who use those vetoes against the interests of the Palestinian people. That is the point that I am trying to make. Britain has been one of the closest allies of Israel and America in the United Nations Security Council and that is why we have the problem.

Johann Lamont: I am asking the member whether he regards what the Americans have done in the past as using an unreasonable veto, which ought to be challenged. If it were challenged, he and I would be able to address the serious issues in the middle east.

Mr McAllion: It should be challenged inside the United Nations. If we abandon the United Nations completely, what else will there be to get some sort of discipline? The reality is that under the UN charter, there are simply no grounds for any pre-emptive attack against the people of Iraq. Therefore, those who are opposed to such an attack—and I know that members on the Labour benches are opposed to such an attack—can easily vote for our amendment, because it says simply that the case has not yet been made.

So too can those who sometimes shake their head in disbelief at the argument that an attack on Iraq can be justified on humanitarian grounds in order to liberate the oppressed people of Iraq. They know that the air and sea-launched cruise missiles that will rain down on Iraqi cities; the murderous payloads on B52 bombers that are

stationed in airbases in southern England ready to strike against Iraq; the weapons tipped with depleted uranium that were used with such devastating effect in the first gulf war and are about to be used with even more devastating effect in the second gulf war; and the brand new MOAB—massive ordnance air burst—bomb, the biggest and most powerful conventional weapon ever constructed in the history of mankind, are not humanitarian weapons. They are weapons of mass destruction, which will kill thousands and perhaps tens of thousands of innocent Iraqis. It is a sick mockery to argue that an attack of that nature can be described as a humanitarian intervention on behalf of the Iraqi people, because it is no such thing.

In any case, the talk of humanitarian intervention coming from the United States and United Kingdom Governments has a distinctly hollow ring, because they are the very Governments that, for the past 12 years, have been chiefly responsible for a policy of sanctions against the Iraqi people that has killed more than half a million Iraqi children and more than a million Iraqi adults.

Mr Raffan: Does Mr McAllion share my concern that if we embark on a policy of regime change, where do we stop—Myanmar, Zimbabwe, North Korea? Does he agree that the brutal dictatorship in Chile, to which the First Minister referred, was brought about by Dr Kissinger's policy of regime change, which resulted in the murder of President Allende?

Mr McAllion: I endorse everything that the member said. I want to concentrate on this issue, because it sometimes angers me to the point of distraction when I hear spokesmen from the United States of America speak about their concern for the humanitarian suffering of the people of Iraq. Those people never showed a flicker of humanitarian concern when the UN officials responsible for humanitarian aid in Iraq were resigning their positions in protest against the sanctions that the Americans were imposing, because those sanctions were the equivalent of genocide against the Iraqi people. Where has their conscience and concern for the people whom they were prepared to see die as a price worth paying in their campaign to restore American strategic interest in that area suddenly come from?

Those who feel anger at the American and British Governments for their hypocrisy can also support our amendment, as can those who believe that more time has to be given to the United Nations weapons inspectors and that containment is working and should be given more of a chance.

The reality is that if anyone here seriously doubts that an attack on Iraq is imminent, they just have to consider the position in which we find ourselves. The countdown to war is well past what

Clare Short described last Sunday as “10 minutes to midnight”. An army of invasion is massed on the borders of Iraq. The B52s, the F111s and the Tornados are in place and ready to strike against Iraqi cities. Aircraft carrier groups are in the gulf at this moment training and ready to go with a massive attack against the Iraqi people.

All that is needed now is a nod from the politicians, by which we mean the President of the United States and the Prime Minister of the United Kingdom. All that stands between war and peace is the democratic pressure that can be brought to bear on those two politicians.

Our amendment is deliberately minimalist, because it seeks to maximise the support and pressure that the Parliament can bring to bear on those who will make the decisions about war and peace. Some will argue that what the Scottish Parliament thinks will be ignored in London and will not even register in Washington. If that is the case, it simply highlights the democratic deficit under which we now find ourselves labouring in this country. I am appalled at the fact that a British Prime Minister of whatever party can use the royal prerogative to choose war without reference to the elected Parliaments of Westminster and Holyrood, ignore the millions of people who have marched in the streets against it and say simply, “We know better.”

It matters to me that democracy should matter to the Scottish people. It matters to the people in the streets that the Parliament takes a position. The best position that the Parliament can take is to put aside our differences on this or that point of detail and vote in favour of a motion that says simply that we are opposed to the war in Iraq. Please support the amendment.

I move, as an amendment to amendment S1M-4012.6, amendment S1M-4012.6.2, to leave out from “the authority” to end and insert:

“no case for military action against Iraq has been proven.”

10:27

Mr Jim Wallace (Orkney) (LD): Liberal Democrats—and, I believe, everyone in the chamber—are in no doubt that Saddam Hussein is an evil tyrant. As we have already heard in the debate, he has been responsible for the murder of thousands of his own citizens. He has used weapons of mass destruction against his own people and we are in no doubt that his stocks of such weapons should be destroyed. The key question is how. We firmly believe that it must be done through the United Nations.

When I spoke at my party’s conference in Aberdeen two weeks ago, I quoted from John F Kennedy’s inaugural speech and I think that the words bear repeating. He said:

“To that world assembly of sovereign states, the United Nations, our last best hope in an age where the instruments of war have far outpaced the instruments of peace, we renew our pledge of support—to prevent it from becoming merely a forum for invective—to strengthen its shield of the new and the weak—and to enlarge the area in which its writ may run.

To those nations who would make themselves our adversary, we offer not a pledge but a request: that both sides begin anew the quest for peace, before the dark powers of destruction unleashed by science engulf all humanity in planned or accidental self-destruction.”

More than 40 years ago, President Kennedy believed that the United Nations was the world’s best hope. I believe that, whatever its imperfections, he was right then and that remains the case today. When the international community has acted in concert it has been most successful. If we want to achieve international stability, we should acknowledge that only through united international action will it be achieved. Only when the United Nations—the organisation through which the international community operates—is seen to have the authority to command the respect of countries big or small, powerful or weak, will we achieve those objectives. That must surely mean that countries that have championed the United Nations in the past should not turn their backs on it now. At the present time, Britain and America sometimes give every impression that if they cannot get their own way at the United Nations, they will bypass it.

War, with all its appalling human consequences, should only ever be a last resort, when all other options have been exhausted. Surely we must give the United Nations and the weapons inspectors the time that they need to do their job. As the Prime Minister has often said, Saddam Hussein has had 12 years since the last gulf war to comply with the UN. For much of that time, not least in the period after the weapons inspectors were expelled, little or nothing was done. Now that the inspectors report some progress, surely a little more time cannot be too high a price to pay for the prospect of peace.

Tommy Sheridan: Would the member care to comment on the report from Scott Ritter, who was head of the previous weapons inspectorate, who declared that 95 per cent of all of Iraq’s weapons of mass destruction were destroyed in the seven years between 1991 and 1998? Is he just misleading us?

Mr Wallace: There is still a clear need for weapons inspectors. That was acknowledged in Security Council resolution 1441. According to the most recent reports by Dr El Baradei and Dr Blix, there has been a substantial measure of disarmament. The inspection effort is yielding results. That is why the inspectors must be given time to continue that work.

The threat of force has been an important catalyst in gaining the limited co-operation that has been forthcoming from Saddam Hussein so far. However, there is understandable concern that, with armed forces in place, there will be an inevitable move to war. We must remain able and willing to distinguish between being ready to act and acting, and between a credible threat of force and a certain use of force. We must refrain from taking military action, unless it is taken as a last resort and the United Nations Security Council considers that all other options have been exhausted.

That has been my party's consistent position. It was the position that Charles Kennedy outlined at the Hyde park rally and it was the position that Robert Brown outlined in Glasgow—to considerable barracking, I am told. Mr McLetchie demeans the political process when he attacks the integrity and courage of people who articulated their case with great principle on those occasions.

David McLetchie: Will Mr Wallace clarify an aspect of the twin approvals that are set out in the amendment in Nora Radcliffe's name? As I understand it, that amendment says that, for action to be taken, there must be

"an affirmative vote on a substantive motion in the House of Commons."

Let us suppose that there is such an affirmative vote in support of taking action but that action is not sanctioned by a further United Nations resolution because of the exercise of a veto. Is it the Liberal Democrat position that China can veto actions that the British Government thinks should be taken in our national interest?

Mr Wallace: Yes, because the United Nations is the only United Nations that we have got. If we start to pick and mix which UN resolutions we choose to support and which we choose to ignore, that opens the way to international instability.

Mr Swinney: On the same part of amendment S1M-4012.5, will the member clarify that the Liberal Democrat position is that a Security Council resolution that specifically authorises military action is required before such military action can commence?

Mr Wallace: Yes. I will say more about that in a moment.

Yesterday, the Prime Minister laid down conditions that Iraq must fulfil to avoid war. If that is a step towards recognising that public opinion—indeed, international opinion—believes that more can be done before it is necessary to resort to war, it is welcome. Some of the tests are reasonable, but the first, which would involve a television appearance by Saddam Hussein, borders on the ridiculous. It is for the UN Security Council to

agree the conditions that it wants Iraq to meet and I hope that the Prime Minister develops his proposals in that spirit.

I do not believe that resolution 1441 provides the trigger for war. Even in debate in the Scottish Parliament, legal opinions have been exchanged. When he was in The Hague to open the new International Criminal Court earlier this week, the Secretary-General of the United Nations, Kofi Annan, said that, without UN backing,

"the legitimacy and support of any such action will be seriously impaired. If the United States and others would go outside the Council and take military action, it will not be in conformity with the Charter."

From those words, it would appear that Kofi Annan believes that a further Security Council resolution is required.

Ben Wallace (North-East Scotland) (Con): Will the member give way?

Mr Wallace: No. I have given way several times.

British military action will be justified only if there is a further resolution from the UN Security Council and an affirmative vote on a substantive motion in the House of Commons. John McAllion made a point that was not specific to the present dispute. I share his view that, although the royal prerogative has been used to go to war over many generations, its use is not acceptable in a modern democracy.

If military action is justified, such action must be accompanied by efforts to address the humanitarian and environmental consequences of war. Any post-conflict administration should be set up under UN authority.

Whatever views members have, we must all hope that we do not reach that point. We must hope that Iraq will be disarmed of weapons of mass destruction and that the people of Iraq will be liberated from Saddam Hussein's pernicious tyranny without resort to war.

It is inevitable that the Iraq crisis is in the forefront of the minds of politicians and public alike and it is appropriate that we should discuss it in the Parliament. However, we should be clear that we are offering a view to the House of Commons, to those who were elected to represent Scotland there and to the United Kingdom Government. Under the settlement to which we have agreed, that is where responsibility for decisions on foreign and defence policy lies.

In one important respect, we in the Scottish Parliament have a responsibility at this time of tension. In the context of the present international situation, we have a responsibility of care to the many diverse communities that make up Scotland today. As happened in the aftermath of 11 September, small, prejudiced and ignorant groups

may try to exploit anxieties to justify attacks against ethnic communities. Therefore, I am sure that members will understand that I must leave the debate shortly, to visit members of different ethnic communities in Edinburgh. The visits were scheduled to take place before today's debate was arranged. It is understandable that many members of those communities are concerned about the impact that the current international tension could have on them. I am sure that I speak for all members when I make it plain that we will not tolerate the stirring up of prejudice on the grounds of race or religion. When I meet members of ethnic minority communities this morning, I will make it clear that they are entitled to the full protection of the law. I will convey to them the full support of the Parliament in that regard.

The Liberal Democrats support the continuing United Nations efforts to disarm Iraq of weapons of mass destruction peacefully, under Security Council resolution 1441. For as long as the Security Council judges it beneficial, those efforts should include the work of the UN inspectors in Iraq. Military action can be only a last resort. It can be taken only if it is sanctioned by a further Security Council resolution and by an affirmative vote on a substantive motion in the House of Commons.

I move amendment S1M-4012.5, to leave out from first "believes" to end and insert:

"condemns the failure of the Iraqi regime to respect international law and human rights; supports the United Nations' (UN) efforts to disarm Iraq of weapons of mass destruction under UN Security Council Resolution 1441; calls for the inspectors to be given sufficient time and resources to continue their work as long as the Security Council assesses that progress can be made; believes that only as a last resort, once all other options have been exhausted, should military action in Iraq be undertaken, and opposes any military action not sanctioned by a further resolution from the Security Council and an affirmative vote on a substantive motion in the House of Commons."

The Presiding Officer: We come to the open debate. There will be a strict four-minute time limit.

10:37

Mr George Reid (Mid Scotland and Fife) (SNP): On September 12 2001, the day after the mass murder in New York and Washington, *Le Monde* carried a banner headline, the translation of which is, "We are all Americans now." That headline encapsulated our feelings of outrage and grief. In London, in a speech of great clarity and compassion, Tony Blair called for justice and mercy, a campaign to extirpate the terrorists from their lairs and a ruthless war on the global poverty that fuels terrorism. I warmly endorsed that speech. Just for a moment, it seemed that good might come out of evil.

Today, the French, the Germans and other old Europeans are openly vilified in the American

media. Afghanistan, which has been almost forgotten, is slipping back into anarchy, and some of the poorest countries of the world—Angola, Cameroon and Guinea—are being openly bullied and bribed in the Security Council.

The Executive amendment is right to stress the primacy of the United Nations, but members should look at today's headlines:

"Blair's gamble as allies prepare to go to war"

without the UN, or

"War looms as Prime Minister prepares to bypass United Nations".

How can that be? It can be only because the war is not about Iraq. It is about a new world order, it is about the cold war being over and it is about the world's only superpower being determined to impose its own order of pre-emptive strike and pax Americana. That is a serious argument.

Even though I oppose it, I concede that there is an argument for Britain to be part of that order. Such a case is based on perceptions of British self-interest and realpolitik. However, such a case can never be argued on the grounds of compassion and international law.

In recent weeks, our television studios have seen a stream of pundits unburdening themselves of the pain and agony that they personally experienced before deciding to march unto war. Let me tell members what pain is by providing just one personal flashback from war. Pain is a little boy with what is left of his leg in an Oor Wullie bucket of antiseptic, taking it out, turning it over, looking at it and then looking at me as though I knew the answer. I had no answer then, as I have no answer now, except to keep my mouth open.

The war has already claimed its first victim, which is the truth. The resolution is not a mandate. A mandate must specifically authorise the use of military force, as happened in the Korean war and in the previous gulf war. A mandate must be rooted in compelling evidence. In war these days, the truth is that it is safer to be a soldier than to be a civilian. Nine out of 10 casualties of war are civilians, most of whom are women and children. The allies look for a surgical strike with not many dead. I have my doubts about that, but even if it were true, the killing goes on long after the war is over.

Last week, the Scottish Trades Union Congress called on all silent MSPs to say where they stand, and many have done so today. Many in the chamber take the old European view, which was articulated by John McAllion, that there is no case for military action against Iraq. The case has not yet been proven. Perhaps later today, we can rally round that one position across the parties—the Liberals, the SNP, the John McAllions, the

members of the Labour party and, indeed, perhaps some members of the Tory party.

10:42

Johann Lamont (Glasgow Pollok) (Lab): Like many people throughout Scotland and the United Kingdom, I am deeply troubled by the current international situation. We know that there is a variety of views, ranging from outright hostility, to the view that Blair is a warmonger or that another United Nations resolution is needed, or to the troubled view that we must deal with Saddam Hussein. The division in the debate is reflected in what I am told by people in my party or my constituency or by my friends and in what I am told in my own home.

It is ironic that the one division that does not exist, which some would like to see, is a division between the peoples of Scotland and England on the issue. Indeed, as I reflect on our troubled world and on the divisions that our international community faces, I wonder how much more irrelevant it can be to have a party that is based entirely on the desire to seek further division within our country.

The decision will not be made in this chamber, but we have an opportunity to explore these serious issues, perhaps with a freedom and space that is not available to those who are weighed down with the burden of making that decision and recognising its limitations. I will express my views on the matter, as I have always done freely to constituents who have come to me. My view is serious and troubled and is not taken lightly.

A consensus exists in this country around the role of President Bush and the American Administration. One of my constituents told me that he was troubled about the war and sometimes thought that we should go one way but that at other times he was anxious and wanted us to step back. However, that man Bush, he said, is not helping. Bush is seen as a cowboy who is gung-ho and desperate for war.

On the previous occasion on which we debated the matter, when there had been no debate in Westminster, we had the arrogance to say that only we could speak for the people of Scotland. We should reflect on what people said on behalf of the people of Scotland in that serious debate in Westminster.

Even if there is a mistrust of Bush, who is characterised as the cowboy, we should not crudely divide the debate into goodies and baddies. It is far more complex than that. However, that distrust of American motives is what makes the role of the United Nations so central. If we do not have international structures, where will we be? What will happen if those structures are

seen to exist only to be manipulated or disregarded? Indeed where will we be if, as Mr Swinney would have it, not only the Security Council but Mr Swinney himself must be persuaded? We must argue for the importance and centrality of the United Nations.

I understand the debate about the legality provided by resolution 1441 but, no matter how compelling that case may be, if we are unable to persuade the majority of the United Nations, we must reflect on and respond to that. I believe that the six tests are at least a movement by our Government in that direction. People mock the idea of Saddam Hussein going on television, but I wonder what message ordinary Iraqis might take from hearing that man admit that he will bow to the will of the united international community.

There is a hunger to know that we are not being duped by Bush and that Blair has driven down the United Nations road because he believes that to be proper rather than because he wants to provide a cover for the United States. Even if we do not trust the motives of the American Administration, we must acknowledge that there may be serious reasons why we must go to war.

Unlike some, I do not have a Pooterish self-importance on this matter. I ask people to reflect on what was said in Westminster by Ann Clwyd, who is not a Blair clone or a Johnny-come-lately to the debate but someone who has reflected on these serious issues and who says that we must go. We know that the country is anxious and troubled about what is happening. I urge a key and central role for the United Nations, which should be seen not simply as something to be won round but as something that is central to building a safer world for us all to live in.

10:46

Lord James Douglas-Hamilton (Lothians) (Con): Today, we take our stand on United Nations resolution 1441, which is framed under chapter VII of the UN charter. In chapter VII, article 39 states:

"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."

Article 42 is particularly significant.

As David McLetchie has already confirmed this morning, although a second UN resolution supporting implementation of resolution 1441 within a given timetable would be highly desirable, a second resolution is not, and never has been, a legal prerequisite for military action. Britain's law officers have expressed no contrary view on that point.

Mr Rumbles: Will the member give way?

Lord James Douglas-Hamilton: I will not give way at this stage, as I have only four minutes.

Mr Rumbles: But so has everybody.

Lord James Douglas-Hamilton: The honourable member will have his chance. I wish to make every word count and do not wish to be distracted. He can take up the matter with the United Kingdom's law officers, not one of whom has expressed a contrary view.

After the previous war with Iraq, the UN-inspired no-fly zones were imposed specifically in order to prevent the Iraqi dictator from committing further acts of genocide or crimes against humanity. On many occasions, American and British aircraft have been fired at while enforcing those no-fly zones. It is therefore undeniable that the dictator has entered into hostilities over a prolonged period. In addition, the kind of weaponry that Saddam Hussein is currently developing could be put into a suitcase and brought into our centres of population by one individual with devastating consequences. The threat is immediate and it is real.

However, the Prime Minister should not take our support as being unconditional. He must keep the House of Commons fully informed and he must be able to command the confidence of, and a majority in, the House of Commons. Our Parliament should not be seen to be tying his hands by rushing to a premature judgment, as evidenced in some of today's amendments. The British people expect no less than that our United Kingdom Government should at all times act, and be seen to act, in the national interest.

I mention the wise words of President Roosevelt, who said:

"the whole world is one neighbourhood".

The House of Commons International Development Committee has just recommended that the Department for International Development should issue a statement outlining its humanitarian contingency plans so as to

"provide reassurance that adequate importance has been attached to the humanitarian consequences of military action."

We want to see a greater focus on that issue, which is a theme on which our amendment concentrates.

This is the third debate that we have had on Iraq and I repeat what I said in the first: I am associated with 603 City of Edinburgh squadron of the Royal Auxiliary Air Force. It is now public knowledge that many of its reservists and countless others have been called up. It is my conviction that if the Government, with the support

of the House of Commons, asks our armed services to act on behalf of the nation, it must be given our total support.

10:50

Mr Keith Raffan (Mid Scotland and Fife) (LD): I speak in support of the Liberal Democrat amendment. It can be summed up as follows: we should go to war only if there is clear and unequivocal evidence of weapons of mass destruction in Iraq, which, as yet, there is not.

The current policy of UN inspections appears to be making progress and should be allowed more time. Indeed, as I said earlier, it is achieving containment so that Iraq is not currently a threat to us or to its neighbours in the middle east.

We should work at all times through the United Nations, following as far as is possible the paths of diplomacy and peaceful coercion. If we do not, we will undermine international law and the United Nations, perhaps damaging beyond repair that fragile but essential international institution—our "last best hope" as the Deputy First Minister said in his speech. Distinguished former Conservative ministers such as Kenneth Clarke and John Gummer hold similar views.

I am not a pacifist, although I respect those who are. I have no illusions about Saddam Hussein's brutal dictatorship. I have great respect for my former colleague in another place Ann Clwyd, the member of Parliament for Cynon Valley, who has long espoused the Kurdish cause. I am certainly not anti-American. I have lived and worked in the United States and I have great admiration and affection for the American people and my many friends there.

However, I have serious concerns and major reservations about the Bush Administration and the direction of its foreign and defence policies. The policy of regime change might have a superficial attraction but, as I said when I intervened on Mr McAllion, Iraq is far from being the world's only brutal dictatorship. North Korea, Myanmar and Zimbabwe come immediately to mind. Where do we start and where do we stop?

As the former Conservative chancellor Kenneth Clarke said in the House of Commons:

"the revolting nature of the Iraqi regime and its cruelty, much though we deplore it, is not a legal basis for war." — [*Official Report, House of Commons*, 26 February 2003; Vol 400, c 294.]

What if we go to war without the sanction of the United Nations? In military matters, I respect the views of those who are far more expert than I. It might well be that, as Air Marshall Sir Timothy Garden has said, America's overwhelming military might will prevail far more quickly than it did in

1991. But at what cost? The rich Iraqis can flee by plane and car. It is the poor and the 50 per cent of Iraqis under the age of 14 who will be left to suffer. A region that is already incredibly tense will be further destabilised. Foreign forces could be pinned down in Iraq for years, keeping peace between the minority Sunnis and the majority Shi'as. There will be further alienation of the Muslim world and more terrorist attacks could be provoked. Nothing is certain—much or all of this could happen, but we cannot be sure.

What of the cost of the war? Lincoln thought that the American civil war would last 90 days and cost \$250 million, but it lasted four years and cost \$3.3 billion. It was predicted that the first world war would be short and relatively inexpensive. The Vietnam war cost 90 per cent more than was forecast. William D Nordhaus of Yale University has forecast that the cost of war against Iraq will be between \$50 billion and \$140 billion. The cost of peacekeeping over a 10-year period could add a further \$615 billion.

In the previous gulf war, the allies contributed \$54 billion to America's military costs. That will not happen this time. Think what we could do if a fraction of all this money went to the global fund against malaria, tuberculosis and AIDS. Millions of lives would be saved and millions of minds won.

10:54

Nicola Sturgeon (Glasgow) (SNP): All round this country right now there is a sense of anxiety that does not recognise the division between devolved and reserved matters. It is based on a deep-seated unease about the motivation and justification for, and the legality of, a war against Iraq. In its first stage, that war will see 3,000 bombs and missiles rain down on an innocent Iraqi population.

People are questioning the real motivation for waging war on Iraq, which is a broken country with a leader who is evil but contained, while North Korea flaunts its developing nuclear capability for all to see, and the tally of UN resolutions that have been breached by Israel without sanction exceeds 60. People doubt that there is justification for a war that is based on no clear or compelling evidence.

Last week, Hans Blix said that

“no evidence of proscribed activities have so far been found”.

He spoke of

“a substantial measure of disarmament”

by Saddam. In those circumstances, war would not be what it should always be—a last resort.

There is also the question of legality. Article 2 of the United Nations charter is unequivocal. It

prohibits the use of force except in self-defence—which neither the US nor the UK can argue with any credibility—or with the specific authorisation of the United Nations Security Council. As we have already heard in today's debate, even the ambassador of the United States to the United Nations admits that resolution 1441 is not a mandate for war. Even if the second resolution that is currently tabled at the Security Council was passed, it would not be a mandate for war.

In an earlier intervention, Duncan Hamilton was absolutely right. It is for the Security Council and only for the Security Council to define what the serious consequences mentioned in resolution 1441 should be. It is not for the UK or the United States to do so unilaterally. Only a resolution authorising the use of all necessary means would be a mandate for war. No such resolution has been tabled because, as a British official said on 25 February, it would not be passed.

War without a United Nations mandate will be illegal. It is incumbent on the First Minister, as Scotland's leader, to say unequivocally that he would not back illegal action against Iraq. That is important because each of us as individual citizens must ask what it will mean for international law if the United Kingdom and the United States choose to ignore the United Nations just because they can.

The United Nations is not a perfect institution—the people of Palestine have learned that to their cost over the years. However, the only alternatives to the United Nations are the notions of survival of the fittest and that might is right. That is the stuff of nightmares.

We are probably only days from an illegal war and I say to the First Minister that there is nothing hypothetical about that. We are days from war and it might be too late to stop it, but each of us has an obligation to try. That obligation rests most heavily on those of us who are elected to speak for Scotland. So let us do that today; let all of us speak on behalf of the majority of people in Scotland who want peace not war, and who want international law and not the diktat of the United States. Let the Parliament unite and speak with one voice and let that voice say to Tony Blair, “Not in our name.”

10:58

Pauline McNeill (Glasgow Kelvin) (Lab): I want to make a short contribution to the debate to place on record my concerns about the international situation.

Although I have marched with others to demonstrate my opposition to war, I make my comments on the basis that, as an individual and in the same way as Johann Lamont, I have given

serious thought to the issue. I am sure that I have thought about the issue no more than anyone else in the chamber, but I have my unique opinion.

It goes without saying that our opinions do not carry the same weight of responsibility as do those of our MPs at Westminster, because they have direct and constitutional accountability for foreign affairs. However, it is fair that our constituents see that the Scottish Parliament is engaging in this debate. If we are truly serious that the Parliament should continue to express its view as the international situation unfolds, we must respect all views expressed in the chamber and the reasoning used to come to those views, even though we might disagree with them. George Reid made an excellent contribution—the views from all parties are wide and varied, which reflects the views of the country at large. However, I find it difficult to believe that the SNP has only one view within its ranks, or so it would appear.

On the substance of the argument, the scene changes from day to day and therefore we must ensure that we are taking in all the information. It is a complex situation and a changing world order and, as clever as some of us like to think we are, no one can really be sure that their opinion is the right one; they can be sure only about what they believe to be true. I cannot be sure that I am right, but my belief is that the case for going to war has not been made. I believe that the inspectors should be allowed to do their job, that a peaceful solution is possible and that the threat of immediate danger does not appear to be present. Bill Clinton said only yesterday that if we can take more time we should do so, because we cannot bring back a life. We should think about that.

If there is to be a new approach to world order through the United Nations, there has to be an agreed basis on which to develop a strategy to deal with rogue states or countries that commit serious violations of international law, genocide or other inhumane acts. It is essential that there are criteria to determine how the world's policeman will act. It does not bode well for the United States that it did not sign up to the International Criminal Court. The US must show its commitment to acting as part of a wider international forum, and not just in its own interests.

I first learned of the Iraqi horrors in the 1980s when I was a student. Like Jack McConnell, I have been active on all those issues internationally. I worked closely with the General Union of Iraqi Students and organisations whose members' lives were literally in danger—they could never go back to the countries in which they were born. I saw the evidence of the Kurds who were gassed in the city of Halabjah. It pained me that world interest was sparse at that time.

There can be no doubt about Saddam Hussein's record, which is off the scale. He is a known

aggressor and he should be tried for his crimes against humanity. However, it is the lack of consistency in our approach to the problem of Saddam Hussein that troubles many people. I have listened to Jack Straw, who has said good things about the international situation and the problems that Palestinians face. He said last week that the Israeli Defense Forces must leave Palestinian territory and expressed concern at the number of civilian casualties that have resulted from the demolitions that are being carried out on the west bank. Let us not forget that there is an illegal occupation of the west bank and the Gaza strip, towards which the UN has failed to take the same approach.

I commend our Government for what it has done but, like many people, I feel that the lack of consistency is causing a lack of trust in the war aims. I would never say never, but I do not believe that there should be war now.

11:02

Robin Harper (Lothians) (Green): A second resolution that is achieved through bribery and bullying at the Security Council will not make a war somehow more legitimate. A second United Nations resolution will not make war any less wrong. That is the view that my party and I take. My proposed amendment, which was not selected for debate, called on the Parliament to endorse peaceful alternatives to war. I will run through a few such alternatives before I develop my argument further.

First, we should let the United Nations weapons inspectors do their job—we should end the hypocrisy around that. Secondly, we should lift the economic sanctions—there are good reasons for doing so. Thirdly, we should do what we can to help the Iraqi people to create democracy. Fourthly, we should apply international law—there is now an International Criminal Court, in which we could try Saddam Hussein in his absence and send out a strong moral message. Fifthly, as Keith Raffan called for, we should properly fund the United Nations to pursue peace, because 15p per person per year from the world is not going to achieve that in our lifetime. We have to provide better funding for the United Nations.

Mr Raffan: Will Robin Harper join me in endorsing Mr Swinney's valid point that it is absurd that £2 billion has been allowed for the Ministry of Defence to carry out the war, but that no extra resources have been given to the Department for International Development for reconstruction afterwards?

Robin Harper: I absolutely agree with Mr Raffan.

Sixthly, we should reform the Security Council.

Johann Lamont: Will the member give way?

Robin Harper: No. I have taken one intervention.

I have with me a letter that 20 members of the European Parliament subscribed to and which is signed by Paul Lannoye, Francis Wurtz, Ulla Sandbaek and Proinsias De Rossa on their behalf. I shall read out a little bit of it:

“For the last 25 years, Iraqis have lived under conditions of war and sanctions. When you visit the country, you see poverty, destruction, misery, diseases, and above all a severe feeling of humiliation. Twelve years of sanctions have destroyed what was not destroyed during years of war. A whole generation has never experienced normal life. People are dependent on food rations. Fifty percent of Iraqi children are undernourished. The majority of pregnant women are anemic. 5 million people have no access to clean water. 20% of basic medicines are on the embargo list. Hospitals and schools are in a state of dilapidation. Imagine what a war means under such circumstances! ... Please listen to the message from old Europe: disarmament and non-proliferation of weapons of mass destruction, stabilization of regions in conflict, are our common goal. But we don't believe that there is a military solution. We are concerned about the unforeseeable consequences of a military action. There are other peaceful ways to solve the Iraqi crisis. Let's sit together and discuss how we can do it together.”

I support John McAllion's amendment. We heard this morning, from John McAllion and George Reid, two of the most powerful speeches in the history of this Parliament. They were superb speeches and have persuaded me. Even if my amendment had been accepted, I would have dropped it in favour of pleading with everybody to support the amendment in the name of John McAllion.

11:06

Mrs Margaret Ewing (Moray) (SNP): The debate has been fascinating. I am impressed by the clear and cohesive arguments that are being propounded from various parts of the chamber. I hope that we can progress in that way. It is a shame that one or two speeches have contained cheap party-political points that have nothing to do with Iraq, because these are difficult times in which we live.

I do not think that any member of the Parliament disagrees that Saddam Hussein is evil. I wish that more parliamentarians and politicians had raised their voices in the past. Only a few people in the House of Commons—the Liberals, ourselves and a few honourable exceptions from the Labour benches—pointed out what Saddam Hussein was doing to the Kurds, the marsh Arabs and the Shi'ite Muslims. The international community was silent on the matter. If we had dealt with some of those issues, we might not be in the position that we are in at the moment. Jim Wallace put his finger on it: how do we deal with this man Saddam

Hussein, whom we all recognise as a tyrant and dictator?

I am speaking from a personal point of view, as a constituency MSP. Within its boundaries, Moray has a large concentration of service personnel. We have substantial Royal Air Force bases at Lossiemouth and Kinloss. Indeed, Fergus Ewing and I live in Lossiemouth and we have a close working relationship with all the personnel there. I emphasise to members who are speaking in the debate and who are thinking about how they will press their buttons this evening that our forces are an integral part of our communities. They are not aliens. They do not live separately from us. They are our friends and neighbours. They live next door. Their children go to our schools. They go to our hospitals. Many of their partners work in schools and hospitals and take part in other aspects of our community life.

Over years, the forces from Moray have been deployed in the gulf. They have patrolled the no-fly zones in north and south Iraq and in the past weeks hundreds have been deployed to Kuwait, Saudi Arabia, Cyprus and other parts of the region. Some are just awaiting command instructions. Marines from 45 Commando in Arbroath, in the constituency of my colleague Andrew Welsh, personnel from Scottish units of the Army, such as the 7th Armoured Brigade, and naval forces are also present. Those people deserve our support. I take offence at those people—at David McLetchie in particular—who say that anyone who votes against an immediate rush to war is in some way not supporting the troops. I would be more convinced if I saw the Government and the Ministry of Defence giving our troops the support that they deserve while they are out there, because some of the stories that come home are horrendous.

As legislators, we have a duty and a responsibility to all our service personnel to give them a legal mandate that is agreed internationally without reservations—that is the common interest to which John Swinney referred in his excellent speech. The most unusual thing to happen to my parliamentary office since 1987 has been the number of phone calls that it has received from families of service personnel. They lived through the gulf war and through Kosovo but, this time, many families are saying, “Why?” That question comes from the grass roots of the services. We owe them a duty not to put them into a conflict that has no legal mandate.

11:11

Trish Godman (West Renfrewshire) (Lab): I make it plain that I oppose an American and UK invasion of Iraq. The continuing build-up of US and UK armed forces around the Persian gulf makes

an onslaught on Iraq seem bleakly inevitable to some. However, that is not necessarily the case.

I have long been unhappy about aspects of the American Government's foreign policy, from the carnage that was inflicted on south-east Asia to the overthrowing of the Allende Government. However, we must remember that many American people implacably oppose war against Iraq.

President Bush's astonishingly crude comment that

"Either you are with us, or you are"

a terrorist has encouraged the spread of hateful anti-Europeanism in the American media and among some American people. President Bush—supported by Prime Minister Blair, Prime Minister José María Aznar of Spain and Prime Minister John Howard of Australia—seeks to make war on a country for reasons that are unacceptably vague to many of his fellow Americans and to many of us.

What has taken place has wrought serious damage on the United Nations and inflicted grave harm on the relationship between the USA and Europe, which will take many years to heal. That is particularly true of the relationship between America and France. I hold no brief and have no respect for President Chirac. I am mindful of his hand of friendship to President Mugabe and I recall that he signed the deal with Saddam Hussein for the sale of a nuclear facility to Iraq. As David McLetchie said, Chirac's comments about using France's veto even when he does not know the terms of a new resolution were disgraceful. Nevertheless, he proclaims that he voices concerns that are shared by millions of Europeans and countless others elsewhere in the world. At the same time, I have not forgotten that Donald Rumsfeld was President Reagan's special envoy to Saddam Hussein 10 years ago—how international friendships change over the years.

When recently discussing the possibility of war, Archbishop Mario Conti said that he believed Tony Blair to be an honourable leader. I agree with the archbishop. I am convinced that Tony Blair is no British cheerleader for the Bush Administration and I believe that he has sought to restrain American aggression in the middle east. However, Tony Blair must not stand aside while Washington bullies the Security Council into compliance. The UN would be universally reviled if that happened. Its member states must not succumb to bribes and threats. If the American leaders decide to act unilaterally against Iraq, that act of pre-emptive aggression will be disastrous not only for the people of Iraq, but for international stability. I suspect that that would not be the first or last time that American hyperpower would act in such a way.

I do not have time to mention Israel and Palestine in detail—Pauline McNeill did that—but that situation is a major source of oppression, terrorism and instability in the middle east. America is strikingly and regrettably silent on that subject.

Whatever we do now must be based on a tough containment of the evil Iraqi regime. UN inspectors must remain in Iraq for a long time to undertake their work comprehensively. Everyone knows that the inspectors could go there only because of the massive American and British military force over the border. That force should become a UN-led army. Containment is strengthened by the continuation of the no-fly zones, which give some protection to the Kurds in the north and the Shi'as in the south.

Sanctions should go. Saddam Hussein has imposed all kinds of cruel hardships on the Iraqi people, but sanctions have also had a dreadful effect on Iraqis' lives.

For all the UN's weaknesses and problems, it is in the hands only of the UN, and not of the UK, to supply agreement to an American-led pre-emptive act of aggression against the people of Iraq.

11:15

Murdo Fraser (Mid Scotland and Fife) (Con): The Black Watch, which is my local regiment and recruits from much of my region, was posted to the gulf less than two weeks ago. On Sunday, I spoke to the mother of a Black Watch soldier who is in Kuwait. She told me that morale among troops was high. They were well-trained and ready to do the job if the need arose. The point that she was anxious to make to me was that those young men who are putting their lives at risk want to know that, in whatever action they have to take, they will have the support of people at home. If an invasion takes place—it goes without saying that we all hope that that can still be averted—it is essential to back our forces 100 per cent.

On behalf of that mother, I appeal to all those who take anti-war stances—which are understandable—to support our forces in everything that they do if they go into action. That is the least that we owe not only to them, but to their families and friends at home. If it comes to that, let us wish our forces godspeed and pray for an early return.

A substantive issue is at the core of the debate and forms part of the SNP's motion—the legality of a war. I understand the position of those who argue that war would be illegal and against international law. The difficulty with that stance is that opinions differ, as ever when legal questions arise. For every legal opinion that war without a further UN resolution would be contrary to

international law, another legal opinion says the opposite.

Bill Butler (Glasgow Anniesland) (Lab): We are debating the most serious of subjects and people on all sides of the argument have deep feelings about it. Would the member care to comment on the position of Ken Clarke and Douglas Hogg, which is contrary to his position?

Murdo Fraser: Like many other parties, the Conservative party is a broad church and contains members with different opinions. I disagree with Kenneth Clarke and Douglas Hogg, but they are entitled to their view. We live in a democracy.

My point is that legal opinions on the issue differ. Today, the emeritus professor of international law at the University of Strathclyde said that he was clear that the "serious consequences" to which UN resolution 1441 refers could mean war and could justify war. There is good legal opinion for that, so the matter is not as clear-cut as the SNP suggested.

Mr Hamilton: Will the member give way?

Murdo Fraser: I am sorry; I have little time and I need to make progress.

Another serious point has to be made. I understand that those who are anti-war want no action to be taken, but troops are massed on the Iraqi border. If Saddam Hussein does not disarm and we cannot obtain further progress through the UN, only two options will be left. The first option is war, the dreadfulness of which goes without saying. The second option is that nothing happens. The consequence would be that, eventually, the UK and US troops would pack their bags, withdraw and go home. Can members imagine the tremendous propaganda coup that that would deliver to Saddam Hussein?

The second option would do huge damage to the credibility of the UN and of the western alliance and would give every dictator and rogue state throughout the globe carte blanche. Yes, war has unforeseen consequences, but taking the second option would have unforeseen consequences, too. Many years might have to elapse before we could look back and decide what the correct action and the least-worst option are now.

There is no easy answer. Much as I understand their motives, those who call for peace at any cost cannot ignore the political consequences of failure to take action against Saddam Hussein.

11:19

Mr Kenny MacAskill (Lothians) (SNP): At the outset, I will say that there was one point, and one point only, on which I agreed with David

McLetchie—Trish Godman quite correctly touched on it, too—which is that we must be wary of strident anti-Americanism. Nobody has asked the prairie farmers in the American mid-west, the black community in Chicago, New York or anywhere else in America or the Hispanic community in the southern states whether the military action is being taken in their name. The action is being taken in the name of George Bush and his oligarchy alone.

I do not like to be flippant at this time. I used to condemn and make jokes about a President who was basically an actor, but it may be time for Martin Sheen to take power from "The West Wing" into the White House. However, let us avoid being condemnatory of the American people; the action is no more being taken in their name than it is in ours.

There has been criticism of the UN. The attacks have come from all sides: from those in the UK-USA alliance who seek to bribe, cajole and threaten the poorer, weaker countries; from those who are sceptical that the poorer and weaker countries can last the pace and stand up to the threats, prevarication and bribery; and from those who have seen the institution devalued by what has happened or by the lack of progress over a generation on the Israel-Palestine conflict.

We have to remember the historical precedent. After the first world war, we came together and formed the League of Nations. When that organisation was undermined, it collapsed and the world fell into a conflict that was total war. We thought that we had learned as a result of that and we set up the United Nations because we wanted to learn—the watchword was "Never again".

The way in which we are going now undermines the United Nations. I am not the only member to have used these words in the chamber:

"Those who refuse to learn from history are condemned to repeat it."

God forbid—not in our name.

We should also stop the criticisms of the European way, which to some extent we heard from the First Minister. Along with other members, I listened to Pat Cox and I recall his congratulations for the European way. There are those who criticise France, Germany and wherever else needlessly and blindly. As Pat Cox said, we should compare and contrast the way that supports the International Court of Justice with the way of Guantanamo bay. I support the International Court of Justice. The United Nations must be pulled in. The old European way is much more sensible and much more conducive to European peace than the way of Guantanamo bay which, among other things, sees detention without trial.

What can members do? There are those who say that we should not discuss the military action, but thankfully we have moved on from that stance and from asking what an independent Scotland would do. We need to look at what a devolved country can do if it has the will to act.

Let us consider Quebec, a province that the First Minister maligned and denigrated. The Quebec National Assembly discussed the matter on Tuesday in a debate on a motion without notice. The motion said that the Assembly should

“declare its opposition to possible military action that would disregard the Charter of the United Nations and international law ... ask the Federal Government, on behalf of Quebecers, who expressed themselves in favour of peace, to not intervene in Iraq without the approval of the United Nations ... commend the concerted effort of the citizens’ group ... and applaud the attachment of Quebecers to peace.”

The motion was presented not only by the Leader of the Opposition, but by the Prime Minister and an ordinary member of the Assembly, and it was passed unanimously. The First Minister has denigrated the province of Quebec and maligned its Prime Minister, but Quebec has shown what can be done even in a devolved chamber. The military action is not in the name of Quebec and it must not be in the name of the Scottish Parliament or the Scottish nation.

11:24

Donald Gorrie (Central Scotland) (LD): I have a personal Richter scale that shows that the more of a speech that is spent on abusing opponents, the weaker the arguments are. Using that scale, the speeches of the leaders of the Conservative and Labour parties registered pretty badly. In fact, Mr McLetchie failed to mention his amendment until his last sentence. If we start from the basis that people on all sides of the argument are of good will, all that we can do is set out our arguments in order to persuade others.

The key point in the debate is whether the war will make the world a better or worse place. The war will get rid of Saddam, which is a plus, as he is a bad man. What will the war replace him with? It will not be some sort of utopia, but it may well be an American colony that is run by oilmen and generals. The American performance in Afghanistan does not inspire great confidence—the Americans have run away from all their obligations in that country.

Will the war make the middle east a better place? No. Whatever Arabs think privately of Saddam’s regime, they will react strongly to a war against him. The war will cause serious destabilisation in the middle east. Will the war harm the United Nations? Do we have to follow our leaders once they have established a policy?

The Nuremberg trial showed that people do not have to do that. Much closer to home, the declaration of Arbroath set out the Scottish view of leadership: Robert the Bruce was a great man who had saved us from the English but, if he went wrong, he was out and we got another leader. We do not have to follow Mr Bush and Mr Blair as they drive our collective car over a precipice.

Will the war reduce terrorism? No, it will increase it. Mr bin Laden must be praying hard that Iraq is invaded, as the invasion will fuel the fires of fanaticism on both sides. What are the consequences of a war without the United Nations? The result will be that we destroy the United Nations as a serious organisation and there will be an increase in terrorism.

The invasion of Iraq is meant to be a war against terrorism, but it is a war for terrorism. It will worsen the position in Palestine, as people will become increasingly entrenched. The troubles in Palestine, which are at the core of the problem, will be harder to solve. The war will increase religious hostility, both in this country—as Jim Wallace said—and throughout the world. That will create dangerous tensions.

If the UN Security Council, rightly or wrongly, votes that a war is okay and if the UK Parliament, rightly or wrongly, votes that a war is okay, the war will be legal and the Government will have every right to go ahead with it. On a personal basis, I will have every right to continue to oppose the policy, although I will have to accept that legitimacy will be on the side of those whose policy I oppose.

It is unfortunate that the Labour amendment to the motion uses the phrase

“notes the objective of Her Majesty’s Government”.

Every member of a Parliament or council knows that “notes” is a weasel word. To use it in an amendment sends out a bad message about the Parliament’s attitude to the war.

Pre-emptive attacks on other countries are totally destructive of the world’s democratic order and they must be resisted.

11:28

Susan Deacon (Edinburgh East and Musselburgh) (Lab): No current issue is as important as the one that we are debating today. The prospect of war with Iraq has raised fears and anxieties across the country. It is sparked a degree of political engagement that has not been seen for many a year. For many people, their response is as much instinctive as it is intellectual. That makes their views no less valid or real. If ever there was an issue that involved a battle of hearts and minds, it is war.

As with other people, my views are shaped by many things, including more than 20 years of political activism and an involvement in international liberation struggles. I make no apology for talking about my concerns: I am the mother of young children and I know that many mothers share my concerns. There are fears about the world in which our children and our children's children might grow up. It is indeed significant that poll after poll in this country and abroad has demonstrated that there is a clear gender divide on the issue. Women remain unconvinced that military action is the right way forward in this case and at this time.

I do not doubt the sincerity of Tony Blair and the UK Government in their words or their deeds. I want to make that clear. I applaud the supreme efforts that are being made to attempt to unite the international community and to resolve the situation through diplomatic means. I particularly applaud our Government for recognising at an early stage that addressing the plight of the Palestinian people is an essential part of any lasting solution in the middle east.

However, I cannot support pre-emptive military action, which I believe is neither necessary nor justified. I cannot support a conflict in circumstances that I fear might bring increased instability to the world. I cannot support the unilateral actions of an American Administration if it rides roughshod over the views of the international community, the UN charter and the framework of international law. Moreover, I cannot support a course of action that lacks a clear mandate at home and abroad. It is no secret that that view is shared by many people in the Labour party and in the country as a whole.

The issue transcends constitutional and party-political divides, is greater than any short-term electoral concerns and most certainly should not be the stuff of political opportunism or party-political point scoring. Human life is a precious thing. The loss of any human life, whether of a British serviceman or an Iraqi child, is a tragedy. There are times when war is necessary—for example, an aggressive act might require an aggressive response. However, many of us remain unconvinced that such conditions currently apply. To say so is simply to be honest, not disloyal.

As we speak, the UN remains divided. Indeed, Europe remains divided. From the Vatican to Mandela, from international law experts to former Government advisers, from school gate to pub, club and college, the battle of hearts and minds has not been won and the case for war has not been proven. More time is needed.

We all want Saddam to disarm. None of us is under any illusion about the atrocities for which he

has been responsible. However, a powerful body of opinion believes that there are still ways of resolving the crisis that do not involve the loss of hundreds—even thousands—of innocent lives. I share that view and could not live with myself if I did not express it in this chamber.

It is now almost midnight. Our country is on the brink of war. There are people in every party and none who do not believe that the case for that war has been made. Our consciences, not our whips, should decide for us today. Our Parliament and our democracy would be all the stronger for that.

11:32

Mr Duncan Hamilton (Highlands and Islands) (SNP): As the Parliament wrestles with the enormity of the possible international conflict, members are asking themselves, "What can we do about it?" This is no day for grandstanding or great rhetorical flourishes. Indeed, the Parliament has risen to the occasion by having a mature and considered debate.

However, we are here to hold to account, to question, to challenge, to argue, to debate and to send out a message from the Parliament about the views of the people of Scotland. We could get into a debate about the morality of the situation, but I do not think that that would take us anywhere particularly fast. We will never all agree on that subject. Instead, I will concentrate on the legality of the matter. Although the issue has already been mentioned, there is a degree of confusion among some MSPs about the legal position.

A breach of resolution 1441 is not a justification for war. First, as George Reid and others have pointed out, there is no express authorisation of force in pursuit of a specified goal. Those conditions must be met, as was the case in Korea and with operation desert storm.

The governing principle is enshrined in article 2.4 of the UN charter and is worth putting on the record. Article 2.4 states:

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

There are only two ways in which we could secure a derogation from that guiding principle: the first is self-defence and the second is express authorisation from the Security Council. As express authorisation is not forthcoming, the argument is whether we are acting in self-defence. Indeed, that argument has been made by the State Department and has been relied on by Blair, Bush and this morning by the Tories.

The only argument for self-defence could be made in relation to what happened on 11

September 2001. However, that does not apply in this respect. If we go back to international law, we will find that the charter is clear on the matter. Any action of self-defence must be

“instant, overwhelming, leaving ... no moment for deliberation”.

In other words, any such action must happen there and then and be a short, stopgap measure that gets us to the UN to allow the international community to resolve the matter.

The US and Britain have argued that, if the UN fails to act or chooses to take a different course of action from the one that they want it to take, they can somehow take matters into their own hands. However, that misses the point. Self-defence must happen instantly. If it does not, any such action is governed by the charter and the umbrella organisation of the UN.

Murdo Fraser and other members have rightly argued that academic opinion is split on the matter and that different legal views exist. However, we should be clear that this is not an academic point of debate in a law tutorial; we are talking about war, death, destruction, misery and disease. It is therefore incumbent on those who propose such a course of action to win the legal argument and not simply to say that the matter is confusing or that opinion is divided. They should tell us why the course of action that they propose is legal. If they cannot do that, we should not be going to war.

Ben Wallace: Resolution 1441 does not supersede, but adds to, resolutions 678 and 686 and resolution 678 authorises the use of force to achieve the aims of previous UN declarations. Does that not allow further action to be taken?

The Deputy Presiding Officer (Mr Murray Tosh): You have very little time left, Mr Hamilton.

Mr Hamilton: I appreciate that, Presiding Officer.

Resolution 1441 refers to resolution 678 to ensure that the matter goes back to the Security Council. Indeed, the resolution specifically refers to that.

The Conservatives talk about what the resolution says, or does not say, about “serious consequences”. However, it is enough to say that the phrase “serious consequences” is not the same as “all necessary means”. Resolution 1441 makes it absolutely clear that that phrase means something very different. Mr McLetchie would not accept that point earlier, but he is simply wrong.

On the basis that the war is illegal and that the Parliament is, I hope, reaching a unified view, we should send out the message that the war is wrong and that we should not be involved in it.

11:37

Tommy Sheridan (Glasgow) (SSP): First, I want to deal with the Tory party’s glaring hypocrisy in this debate. In 1988, barely a month after Saddam Hussein had brutally gassed 5,000 Iraqi Kurds in the village of Halabjah, the then Secretary of State for Trade—Mrs Thatcher’s man, Tony Newton—travelled to Baghdad to break bread with Saddam and tell him that £340 million of taxpayers’ money was on offer in export credits. Three months after that, Mr Newton returned to Baghdad to bring Saddam the joyous news that trade between Iraq and Britain was such that the country was Britain’s third-largest market for machine tools. Most of Iraq’s weapons were made from those tools, and many of them were deployed against British soldiers in 1991. Let us have no more of the Tories’ hypocrisy about Saddam Hussein’s brutality, because their people traded with and armed him.

Murdo Fraser: Does Mr Sheridan not recognise that, during the 1939 to 1945 war, we ran supplies to Stalin’s murderous regime because it was a better alternative than Hitler’s murderous regime?

Tommy Sheridan: That is almost the argument that the enemy of my enemy is my friend. It is a bit like knowing our friends by who they are, which brings me to the First Minister’s speech this morning.

Disgracefully, the First Minister has sided with George Bush and his Administration. He has taken up the anti-French language that has been used in America because the French refuse to agree with what the Americans have been saying. Jack McConnell will regret the fact that he has sided with a Government that is becoming a pariah across the world. Let us be clear: to be against the American Administration is not to be anti-American. Instead, we are anti-Bush, anti-Cheney and anti-Rumsfeld; we are against that gang of corrupt gangsters who wish to build a new 21st century empire on the back of cruise missiles.

In *The Guardian* yesterday, someone wrote:

“The first stage of our widely publicised war plan is to launch 3,000 bombs and missiles on a relatively defenceless Iraqi population within the first few hours of an invasion, with the purpose of so damaging and demoralising the people that they will change their obnoxious leader, who will most likely be hidden and safe during the bombardment ... Extensive aerial bombardment, even with precise accuracy, inevitably results in ‘collateral damage’ ... increasingly unilateral and domineering policies have brought international trust in our country to its lowest level in memory. American stature will surely decline further if we launch a war in clear defiance of the UN.”

Who said that? It was not a member of the Scottish Socialist Party. It was Jimmy Carter, the 39th President of the United States of America, who can recognise what even Jack McConnell cannot recognise about association with George Bush and his brutal regime.

I ask members, and I appeal to the SNP and the Liberals, to have the purpose to unite behind the amendment in the name of John McAllion. Let us send a powerful, unified message from this chamber. Simply put, we do not believe that the case for war has been made. It is as simple as that. We are not prepared to engage in the massacre of innocent men, women and children. I urge members to support John McAllion's amendment. Let us show that this Parliament is standing up for peace throughout our world. [Applause.]

The Deputy Presiding Officer: Order. This is a meeting of Parliament and people in the public gallery must not applaud.

11:41

John Young (West of Scotland) (Con): In my lifetime, this country has been involved in 15 wars. I examined the list last night. Of course, one of them was the major war of all time, the second world war. Then we had the Korean war, which could have made a massive international impact if it had gone on. The rest were described as minor wars. In each and every one of those conflicts, I have supported this country without question.

Today, I have reservations, not so much about supporting this country, but because prior to any shots being fired, we may find the United Nations destroyed. I have not always agreed with the UN, but until someone produces something better, it is better than nothing. Indeed, in June 1950, when North Korea, aided by Communist China, invaded South Korea, within two weeks UN forces had landed to combat those groups. Before that war ended three years later, there were some 16 nations on the UN side. If that had not happened, and China and the North Koreans had been triumphant, Japan would have been the next target. If such an escalation of the conflict had taken place—let us make no mistake about it—a third world war would also have taken place, and the world would probably have been largely destroyed.

Mr Lloyd Quinan (West of Scotland) (SNP): Does John Young agree that it was a Tory Government that, in 1956, led the world to the point of a third world war on the basis of an illegal war in Suez?

John Young: I do not think that the outcome that could have resulted from Suez is comparable to the Korean war.

Tensions have risen in the European Union, as we know from news reports over the past few weeks. In turn, that could cause a drastic decline in that organisation. As George Reid mentioned, we are now living in an age when empires of old are gone, and they must be replaced by new

economic and trade power blocks. Such groupings are necessary to this country, although they may not be necessary to the United States, because the United States is the most powerful nation in recorded history.

Saddam Hussein is an evil man leading an evil regime. All of us here unanimously share that view. There are plenty of other evil leaders in Africa, Asia and elsewhere. Saddam Hussein is evil and guilty of atrocious crimes, so why was it reported that the US was prepared to offer him and his family safe passage to a neutral country only a few weeks ago? That was like making an offer to Hitler for him and Eva Braun to escape to a neutral country.

I am no pacifist. I did national service with the Royal Air Force and the RAF Regiment and, as I said, I have supported this country in every war in which it has participated during my lifetime. Iraq is barbaric, but what about Saudi Arabia and many other countries? As a child, I experienced five air raids, and I still remember vividly the giant glow in the sky as Clydebank burned only 2 miles away from where my family was. Heaven knows what the air raids of today are like.

What President Bush and Prime Minister Blair must do is to release more detail to the chamber. We have something like 56 Labour members, and I guarantee that not one of them will agree with Tony Blair, including Jack McConnell, unless more details are brought to hand. In some ways a false face is being presented.

If war takes place, I will fully support British servicemen and servicewomen. For Jack McConnell's benefit, I stress that our armed forces must be properly armed and equipped, and any reported deficiencies must be corrected. In the survey in *The Sunday Times*, I said that I was against the war unless it is supported by a second UN resolution. If a veto is used in voting on that resolution, I will have to review the situation further.

11:45

Mr John Home Robertson (East Lothian) (Lab): Today's debate should be about the conduct of the Government of Iraq, in particular about what it has done with its stocks of chemical and biological weapons, and about whether it would be right to commit British forces to enforce UN resolutions in Iraq if all else fails. That is a decision that must be taken at Westminster and it is a hellish responsibility. It is literally a matter of life and death, and it is infinitely more important than any party-political consideration.

I respect people who believe that there is no such thing as a just war, but I disagree with them. I think that my father's generation was right to go to

war with Nazi Germany. When doing relief work in Bosnia and Kosovo and during the conflict there, I saw more than enough evidence with my own eyes to justify the military interventions in those places. The question for most of us is whether and in what circumstances war can be justified.

Tommy Sheridan: Will the member accept an intervention?

Mr Home Robertson: I am sorry, but I have only a short time in which to speak.

There has been a big role change in recent years. In the 1990s, it was the Europeans who were pressing for military action against the Serbs to stop ethnic cleansing in Bosnia. At that time, the Americans were extremely reluctant to get involved. It took two years to persuade them to intervene and, meanwhile, many thousands of Muslim civilians were butchered in cold blood. US isolationism came to an end on 11 September, and now it is the Americans who are straining at the leash to go to war with Iraq, and the Europeans, including our British Government, who are urging caution and insisting on authority from the United Nations. As the only superpower, the USA carries a heavy responsibility, and it should listen to its friends.

Surely there must be universal agreement that Saddam Hussein's regime is an abomination. It has an outrageous record of crimes against its own people and its neighbours, and there are grounds for near certainty that it still has substantial stocks of chemical and biological weapons. UN resolution 1441 requires Iraq to declare and destroy those weapons, but months have passed and the Iraqi Government is still ducking and weaving. I understand and share the concerns of many of my colleagues and constituents about the horrors of war, but there is one thing that could be even worse than a possible war—if Saddam Hussein were allowed to get away with it again. If the Kurds and other members of the Iraqi opposition were to be left to his mercy for another 10 years, we would be conveying a terribly dangerous message to future tyrants all over the world. If Saddam Hussein can defy the UN with impunity and call the bluff of the international community again, not only will he be able to carry on with his reign of terror, torture and weapons of mass destruction, but people like him will also be able to do so. Any future Pinochets, Pol Pots, Mugabes or Milosevices will know that they are likely to get away with it, too—not in my name. That would be a real tragedy.

Most of us would prefer a better new world order, in which the United Nations has the will and the power to ensure that its resolutions are respected—not just some resolutions, but all of them. It is a scandal that all the UN resolutions on Palestine have been treated as diplomatic graffiti

over the years. Failure to address the rights of the Palestinians has certainly made the world a more dangerous place. I want UN resolutions to be implemented in the name of all the suffering people of this planet. If Scottish servicemen and servicewomen have to go into action to enforce UN resolutions, they will have my full support and the support of almost every member of this Parliament.

11:49

Alex Neil (Central Scotland) (SNP): I support John Swinney's motion, but like George Reid and many other members, I hope that the anti-war factions will coalesce around a common position at decision time tonight. As Duncan Hamilton and many other members have said, it is important that the Parliament sends a clear and loud message, not only to the people of Scotland, but to everybody who is listening in Europe and elsewhere.

I reiterate the sentiment that the issue of peace and war is far more important than issues of party or partisanship—there is no greater issue. In that context and spirit, I say to Johann Lamont that there is no division between the English, Welsh, Irish and Scottish people. In the same way, I do not believe that there is a division between the British, French, German, Swedish and other European people. Similarly, I do not believe that there is a division between the people of Europe and the people of America—all the people of the world are opposed to a war.

Johann Lamont: The serious point that I was trying to make is that, within those countries and in the chamber, people take different views, which are all credible and serious. The views are not for or against war, but about how to deal with Saddam Hussein and terrorism.

Alex Neil: Although I am a nationalist, I am first and foremost an internationalist, which is the position of most members.

There have been excellent speeches from members of all parties, but the speech that will ring in most people's ears is Susan Deacon's. She spoke primarily not as a politician or as a partisan player, but as a mother of two children. There are many children in the public gallery. When we discuss the possibility of war, we should be concerned not only about the mothers and children of Scotland, but about the mothers and children of Iraq, who have had 25 years of Saddam Hussein and 10 years of the consequences of UN sanctions. They have seen half a million of their children die from hunger. As Keith Raffan said, half of the population of Iraq is under 14—that is a lot of children and a lot of mothers.

We should think very seriously before we give our name to an act of war against those people. When we fire the missiles, whether or not they are 95 per cent smart—which is a lot smarter than Tony Blair or George Bush—we cannot guarantee by any manner of means that they will not kill innocent children and mothers in Iraq. We should not fire those missiles or create a war for which there is no justification.

The debate is not primarily about politics; it is about morality. Let the message go out that the Scottish Parliament is not only a Parliament of the people, but a Parliament with morality.

The Deputy Presiding Officer: We were due to begin the closing speeches, but I am prepared to allow the debate to run on past 12.30. I hope to call the remaining members who wish to speak.

11:54

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): Nobody doubts that we are just a few days away from war. It is clear that war must be a last resort that is used when all other options have been exhausted—all members accept that. The crux of the debate is that no one believes that all our options have been exhausted. That is the point.

Any action that we take must be within the context of international law, which is the most effective route. Members have asked how we can support our troops. The answer is that operating within international law is the most effective way in which to give the support required by the men and women in our armed forces who will risk their lives for us in the middle east.

The argument that resolution 1441 gives the green light to enforcement action is simply not true. The accepted United Nations terminology used to authorise enforcement action is the phrase “all possible means”, which was most pointedly not used in resolution 1441. That resolution was a unanimous warning to Saddam Hussein—even Syria voted for it. Every member of the Security Council knows that the resolution was not a mandate for military action.

The argument that any use of the veto in the Security Council would be unreasonable, so our Government could simply ignore it, is also wrong. The United Nations Security Council is the only security council that the world has. We cannot pick and choose whether to act within the only international framework that exists—we must act within international law.

I am glad that Lord James Douglas-Hamilton has returned to the chamber. I must say that he was completely wrong about the United Nations, because we do not have a mandate to enforce

resolution 1441 by all possible means. Duncan Hamilton was absolutely right that the UN charter is clear that the Security Council must authorise military action. Even the right to defend oneself from direct military attack must be taken back to the Security Council as soon as is practically possible. There is no doubt that, if the UK goes to war in support of the Americans, we will be in breach of international law.

Although Britain was a founder member of the United Nations and is a permanent member of the Security Council, if we go to war, we risk contributing to the destruction of not only the United Nations, but, more important, the basis of the international system. That does not matter to some people, including the hawks who surround George Bush and the people who surround Tony Blair, such as President Bush, Mr Aznar and Australia’s Mr Howard—but it should matter to us, and the fact that a war might mean the end of the international system should certainly matter to the Prime Minister.

11:58

Mr Lloyd Quinan (West of Scotland) (SNP): I firmly believe that a war is not inevitable. I say that because our debate on the issue is part of a debate that is raging around the world, which I believe will lead to a peaceful solution. Last Thursday, between 3,000 and 5,000 people demonstrated outside the Parliament; some weeks before, more than 100,000 people demonstrated in Glasgow; in Rawalpindi the other day, 800,000 people demonstrated; in Madrid, 1.5 million people demonstrated; and in Milan, 1.2 million people demonstrated. The movement for peace is in the driving seat, but it is incumbent on us, as the representatives of the people of this country, to work fully with the peace movement. We must assist in preventing the war, which is not inevitable. Most important, if possible, we must coalesce around a single amendment or motion that represents the majority opinion of the people of this country.

It is extraordinary that the President of the United States, who holds Christian prayer meetings each morning before work, and the Prime Minister of this country, who is a declared Christian socialist, believe that the killing of innocent civilians to remove a brutal dictatorship is the correct way in which to proceed.

I read nothing in the New Testament that gives the right to murder in God’s name. I read nothing in the New Testament that says that it is appropriate to kill for the sake of a better life. That is the theology and the attitude of the suicide bombers of Hezbollah and Islamic Jihad. That is the theory and the ideology of the members of al-

Qa'ida who flew the aircraft into the twin towers in New York. It is misguided, it is a misinterpretation and it is a complete misunderstanding.

The confusion of the American President's position and of the position of the present British Cabinet and Prime Minister exposes the fact that, in reality, those attempted justifications are connected only to the development and control of strategic power in an area that is rich in natural resources. Yesterday, the news from the United States was that companies have already been chosen for the rebuilding of Iraq. One of those companies is the Halliburton oil and gas company. Dick Cheney, who is currently a senior leader in the American Government, is an ex-chief executive officer of Halliburton. That makes many people throughout the world believe that this war is not about justice or greater democracy in Iraq, but is about controlling completely the oil reserves of the world, and so is a war about oil. I read nothing in Christian scripture that suggests that we should shed blood for oil.

12:02

Ben Wallace (North-East Scotland) (Con):

The next few days will be vital to the future of Britain and how it decides to tackle Iraq. The Prime Minister will have to decide whether Britain's interest should come before the interests of the United Nations, China and Russia. This war is not about the diplomatic hoops that we might or might not have to jump through. It is not about giving a dictator another week, month or 17 or 24 days. It is not about oil conspiracies or anti-Palestinian plots. It is about 17 million people who live under a vicious regime that is comparable to Adolf Hitler's. It is about Britain's interest and the interests of peace and security in the middle east.

The SNP and the Liberal Democrats only want to go down the United Nations route in countering the threat. However, we should consider which countries we would have to go to, cap in hand, to get agreement in the UN Security Council. A recent Amnesty International report stated that hundreds of civilians have been killed, beaten and raped by Government forces in Guinea. The same Amnesty International report stated that human rights abuses recorded in Chechnya, in the Russian Federation, include arbitrary detention, torture and the disappearance of hundreds of people. In Angola, hundreds of unarmed civilians have been indiscriminately and deliberately killed by Government forces. Those countries are all represented on the UN Security Council. Are we saying that we are relying on their support, and that those countries will be in a position to judge right from wrong? I do not think so. Furthermore, despite France's opposition to the war, if any country epitomises unilateral foreign policy, it is France.

Tavish Scott (Shetland) (LD): Will Mr Wallace explain to us the Conservatives' alternative to the United Nations?

Ben Wallace: The Conservatives' position on Iraq has always been that we should act in Britain's interest. If we cannot secure a United Nations resolution, we must decide whether acting in Britain's interest is enough. The Liberal Democrats say that the UN is the only way, but under the leadership of Paddy Ashdown, the Liberal Democrats went outside the UN to deal with Serbia and Bosnia. How quickly they have forgotten that. The reality is that we are seeing yet another two-faced position from the two-faced party.

Is Saddam Hussein complying with UN resolution 1441? He is now destroying the missiles that he said he never had, and he is about to destroy the unmanned drones that he said he never had. The destruction of missiles does not happen day by day, as it is happening in Iraq, drawn out on television, bit by bit, to divide countries' opinion on getting rid of Saddam Hussein and his regime. The destruction of missiles involves digging a hole, putting the missiles in it and blowing them up. Saddam Hussein is doing that only because of the threat of force and he is doing it day by day. It is no coincidence that he produced the missing part of the report that he should have produced back in 1991 the day after Hans Blix reported to the United Nations. We should be careful in deciding who is being used and who is not.

The Conservatives believe in protecting Britain's interest and we support the Prime Minister, although he is a Labour Prime Minister. He has bent over backwards to try to get consensus on this issue. He has done his best and has even acted against the wishes of a large majority of the Labour party who probably never wanted him as their leader. Take it from me: if the Labour party gets rid of Tony Blair—as many members of the Labour movement are now saying that it should—it will make our day. We will be back in power even quicker than we had planned.

The Deputy Presiding Officer: Time to close.

Ben Wallace: Let us remember that this is about Saddam Hussein; it is about right and wrong and doing what we think is best. We cannot live in the past.

The Deputy Presiding Officer: Time to close, Mr Wallace.

Tommy Sheridan: Sit down, Ben.

Ben Wallace: We cannot listen to the tantrums of Tommy Sheridan, who, as usual, is making it up as he goes along. In Tommy's world—

The Deputy Presiding Officer: Mr Wallace, I have cut your microphone off. Your speech is finished. Please sit down.

12:05

Dennis Canavan (Falkirk West): Like other members, I despise the ruthless, dictatorial regime of Saddam Hussein. I also despise weapons of mass destruction, whether they be in Iraq or in the Firth of Clyde. However, any action against Iraq must be morally justifiable and within the rule of international law. It is clear that George Bush and Tony Blair are prepared to go to war without the explicit approval of the United Nations. That would be a serious challenge not only to the rule of international law, but to the very existence of the United Nations.

The United Nations is not a perfect organisation—far from it. However, it is the only show in town: the only organisation in the world that is capable of bringing together the nations of the world to work for peace and justice. It is tragic, therefore, that at this critical time we have a Prime Minister who is so belligerent and arrogant that he is prepared to defy grass-roots opinion in his own party, the majority of public opinion in this country and even the United Nations. It would be a supreme irony if his attempt to bring about regime change in Iraq were to bring about regime change in this country. According to some of the media, Tony Blair may be fighting for his political life. So what? The lives of innocent men, women and children in Iraq and the lives of our armed forces are far more important than any politician's career.

That includes MSPs, most of whom are seeking re-election in a few weeks' time. In the lead-up to any election, party-political bickering and point scoring is inevitable. However, this issue is far too important to be reduced to political posturing or opportunism. It is a matter of war and peace, life and death. I hope, therefore, that members will decide the issue—as Susan Deacon said—on the basis of their conscience and on principle, rather than on the basis of any personal advantage or imagined party-political advantage. We should decide on the basis of what is in the best interests of world peace. That is why John McAllion's amendment deserves the support of the entire Parliament.

12:09

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): The dispute in the debate is ostensibly about peace against war; we have just heard it expressed in that way again. However, such a characterisation is a distortion and, unfortunately, the distortion is deliberate, because we know that the dispute is not about peace against war. There is a wide range of views throughout the country.

There is such a range within my party and other parties, among my friends and in my family. Further, individual people hold conflicting views. I wish that I had the certainties of the Ben Wallaces of the world, who see the issue in black and white and speak as though war has commenced. I do not have such certainties. I have grave concerns and see grey areas in relation to many issues in the debate. I hope that my position can be reflected in the debate.

Jim Wallace referred to President Kennedy. At Yale University in 1962, John Kennedy said:

"The great enemy of the truth is very often not the lie ... but the myth—persistent, persuasive and unrealistic."

We have heard myths again during the debate, such as the myth that Blair is just Bush's poodle. People can cartoonise Tony Blair if they must, but he is no one's poodle. Regardless of their views, any honest person sees in Tony Blair a man who believes that he is doing what is right and necessary—[*Interruption.*]—I can hear laughter, but Tony Blair is doing his best to secure disarmament in Iraq. He is working through the United Nations and supporting international institutions. He is not lobbying for war, but seeking to avoid isolationism.

Andrew Wilson rose—

Brian Fitzpatrick: No, thank you.

Tony Blair knows all the risks. We all know the risks. He is seeking a further resolution and he deserves not our second-guessing but our support. We do not need prima donnas at present and we certainly do not need dons.

Tavish Scott (Shetland) (LD): Will Mr Fitzpatrick take an intervention?

Brian Fitzpatrick: No.

There is also the myth that, because the Labour party defends the constitution and says that today in the chamber we should have been debating public services that are within our jurisdiction and competence, we do not have a view or a comment. If there was ever a time when it was incumbent upon parliamentarians, in the middle of a crisis, to speak up for the constitution and for the mandate on which we were elected, now is that time.

As the international situation develops, views develop. However, I believe that the great majority of my colleagues—and, I trust, the majority of members in the chamber—are united behind some key facts. Let us try to narrow the debate to those facts. There is the need for Iraq to comply fully and immediately with its international obligations. We must give no succour to the butcher of Baghdad. We must seek a resolution for the middle east crisis, especially for the conflict

between Israel and the Palestinians. We acknowledge the leadership of our Prime Minister and the United Kingdom Government in getting the issue of Palestine back on the international agenda and seeking a solution for the issue in the context of international development.

We also support international institutions. I know that Mr Sheridan does not. He wants something other than the UN and wants to disarm this country. We give primacy for our security to the United Nations and NATO. Again, there has been no word about NATO during the debate. We also look to the United Nations to show its primacy. We reject isolationism in favour of internationalism. We cast off self-interest and seek non-proliferation, the defeat of global terrorism, and peace and progress in the middle east. For those reasons, I will support the Labour amendment and I urge members to do likewise.

12:13

Michael Russell (South of Scotland) (SNP): Mr Fitzpatrick talked about narrowing the debate. Let me narrow it down sharply to one group of people. I will do so for personal reasons. As I have said previously in the chamber, in 1947 my mother left her native city to teach in Iraq and to teach the children of Iraq. It is because of that, and not simply because I speak for my party in the chamber on children and education, that I want to talk about the children of Iraq.

It is estimated, as George Reid said, that the number of civilian deaths resulting from a war could be as high as 2 million, although some estimate a figure of 500,000. Children under 14 make up half the population of Iraq. Therefore, it is likely that half of such deaths could be the deaths of children, which could mean a quarter of a million to a million dead children. After the UN campaign in the gulf in 1991, a UN assessment team described the situation in Iraq as one of near apocalyptic destruction, in which most modern means of life support were destroyed or rendered tenuous. That was in 1991; things will be even worse if there is a campaign this year.

Since 1991, the situation has gradually stabilised, if that word can be used. The proportion of children with acute malnutrition has fallen from 11 per cent to only 4 per cent. Twelve years of sanctions have created a vulnerable population, of whom 60 per cent are entirely dependent on the oil-for-food programme. That programme produces a month's food for a family in the equivalent of two Safeway shopping bags.

As always, children are at most risk in such an excessively vulnerable population. In a potential war zone, children will be completely unable to operate independently, as they always are. If they

do not die from malnutrition, they will die from preventable diseases such as water-related health hazards, typhoid or diarrhoea, which result in 70 per cent of children's deaths. If they try to flee through the borders, they will have to cross the most heavily mined areas in the world. Save the Children has said of the present situation:

"The fragile gains in the humanitarian situation achieved in recent years could be erased for years to come."

In Iraq, 500,000 children under the age of five have died since 1991. The incidence of childhood leukemia is out of control—each day, four children die in hospitals in Baghdad. There is no cure rate for infant leukemia in Iraq, which is caused largely by depleted uranium that was used in the previous war.

Education has fallen to pieces. A quarter of children do not attend school. The increase in the number of children who suffer from mental illness cannot be quantified. They suffer from depression, anxiety and behavioural disorders. The number of children who do not go to school, but work, beg on the streets and clean cars—the street children—has increased massively. Children are being drawn into the conflict. They feel dispossessed and alienated and believe that the entire world is against them. The impact of war on children is always horrific. Within days, we will face a situation in which thousands of children will die.

Members have been asked to vote to say that the case for war has not been proven. Certainly, the case for killing millions of children has not been proven. Whatever else members do today, I ask them to think of those children, who should not die in our name.

12:17

Elaine Smith (Coatbridge and Chryston) (Lab): Although the matter in question is reserved and the Parliament does not have responsibility for international affairs, we have the power to influence decisions. Whatever members believe, I respect those who have had the conviction to state their position and argue their case.

The case for military action against Iraq has not been proven. If any member believes that it has been proven, they should, by all means, vote against John McAllion's amendment. Logically, a vote against the amendment would indicate support for an attack now.

The issues change. If this is about weapons of mass destruction, why do members not suggest action against all nations that have such weapons, such as India, Pakistan, Israel and the USA? If getting rid of such weapons would win the war on terrorism, surely it would be logical to get rid of all of them. If the issue is about broken UN resolutions, what about Israel, Iran and Pakistan?

If it is about regime change, what gives the USA and the UK the right to decide that regime change can be achieved only by war?

Many campaigners for peace and organisations such as the STUC have detested Saddam Hussein's brutal and oppressive regime for many years. The chemical attack on Halabjah has been mentioned. At the time, the Campaign for Nuclear Disarmament and the peace movement tried to raise the issue, but it was hardly reported—Pauline McNeill mentioned that. The west supported Iraq at the time, so the evil dictator was our evil dictator. Of course, any country can abhor the regime of another country, but that does not give it the right to go to war, launch a pre-emptive attack or take unilateral military action.

I want to address a legitimate point that John Home Robertson made. The six tests that were announced yesterday do not mention the suffering of the Iraqi people; they are all concerned with weapons of mass destruction. Presumably, therefore, if those six tests are met, the UK Government will allow Saddam Hussein and his regime to stay and carry on with their oppression.

This war is not about the suffering of the Iraqi people. Can it really be a solution to Saddam Hussein's oppressive and brutal regime for the UK and the USA to blanket bomb Iraq and cause carnage among thousands of innocent Iraqi people? Can it be right to hold those people responsible for Saddam Hussein's actions?

It is hard to believe that anyone can support an argument that says that we should bomb people to liberate them and which accuses those who do not feel inclined to be persuaded by that logic of having blood on their hands. That is breathtaking.

Whatever this war is about, it is not about democracy, as Donald Gorrie said. The Iraqi people will not choose a new Government or leader. The USA has already indicated that it will install a governor general. Like other members, I am horrified by the fact that the USA has already handed out contracts for the rebuilding of Iraq to US companies. Of course, a new regime will be more generous with oil rights and more sympathetic to global capitalism.

Sanctions are killing innocent people in Iraq. One in five children are chronically malnourished and poor water quality is the main cause of child mortality. Sanctions, it could be argued, also serve to shore up the hideous regime by making the people of Iraq dependent on that regime.

If we attack Iraq, the humanitarian consequences for innocent civilians in Iraq will be horrendous. I believe that decisions have already been influenced to some extent by the voices and actions of those who are opposed to the war. That opposition must continue. We must reject

resignation and put the Government under pressure until the very last minute to stop the war.

I am afraid that the Labour amendment today is anodyne. It says nothing and means nothing. Anyone who is anti-war in any way must support the amendment in John McAllion's name.

For the sake of the Iraqi people and our armed forces—indeed, for all our sakes—the war must be stopped. I ask members to support the amendment in John McAllion's name and to add their voices and that of the Scottish Parliament to all the voices that are trying to stop the war.

12:23

Tavish Scott (Shetland) (LD): There is no doubt that Saddam Hussein's regime must disarm. Few hold any truck with his regime and its actions. There is no doubt that UN resolution 1441 made the inspectors' work possible. Saddam Hussein's regime must be disarmed of its weapons of mass destruction. This debate and the debate across the country have been about how to achieve that objective. It is true that there have been 17 UN resolutions on Iraq, but Keith Raffan's earlier point about containment was important. What threat does Saddam Hussein currently pose to the international community? For the period of the Clinton Administration, the UK Government was happy to go along with a policy of containment. Only when the US Administration changed and the policy of pre-emption came into play did the UK's policy change. It is that inconsistency of approach, which many have mentioned today, that worries many people throughout the country.

It seems certain that a second UN resolution on this matter will be vetoed and voted against. As the Spanish foreign minister said last night, it is not even certain whether it is worth putting a second resolution to a vote. However, on Monday, as John Swinney said, Kofi Annan, the UN Secretary General, said that if the US and others were to go outside the UN Security Council and take unilateral action, they "would not be in conformity with the UN charter".

Given the French line this morning, and the veto that still therefore overshadows the second resolution, Kofi Annan's words are immensely important. If a veto is used, there will be no resolution.

There has been much criticism of the French, but it is important to remember that the French and the Germans were on the receiving end of Donald Rumsfeld's tactful suggestion that they were the "old Europe". It is important to recognise that in international diplomacy, as in every walk of life, language of that nature does not constructively aid a process of international deliberation.

It is also important to recognise that the US has used a veto at the United Nations 76 times since 1946. The United Kingdom has used its veto 32 times, and France 18 times, the last of which was in 1989. A veto is a veto is a veto. If the international world matters, with the United Nations at its kernel, we cannot pick and mix. The importance of the United Nations has been paramount for many members. For me, it is hugely rewarding that so many have made that point. What is the alternative? The Conservatives certainly did not answer that question; they do not have an answer. President Bush's spokesman, Ari Fleischer, said earlier this week that the US would replace the United Nations with "another international body" to disarm Saddam if the UN remained recalcitrant. What in heaven's name did he mean?

I share the concerns of many members, if not the majority, that the US Administration's policy of pre-emptive action when its national security is threatened is profoundly dangerous. The developing situation around North Korea's nuclear arsenal only reinforces that danger. The irony of ironies is that the US is now asking the UN to consider North Korea's nuclear arsenals. Members have rightly mentioned other rogue states around the world.

I am not anti-American. I lived in America for a year and have many friends there. I am, however, very concerned about a right-wing Republican Administration that seeks to change the international world order in pursuing a policy of pre-emptive action.

Three international institutions have shaped the UK's international perspective: the EU, NATO and the United Nations. As Susan Deacon said, they are all divided over Iraq. The world community has just put the International Criminal Court into being, as Pauline McNeill mentioned. She was right to say that the United States should be involved in that. We cannot pick and mix when building our international institutions. Future world strength in resolving such intractable problems as the current crisis needs the maintenance and enhancement of such bodies.

I was disappointed by the Conservatives' approach this morning. I have listened to people such as Kenneth Clark, Geoffrey Howe and, today, John Young—[*Applause.*] I do not make any political point. They have supported the position of many throughout Britain. I cannot believe that any member—and I say this to Labour members—is comfortable about being supported by Iain Duncan Smith's Tories and by David McLetchie, who gave that cheap speech this morning. Forgive me, as I have forgotten who mentioned this point first: David McLetchie mentioned the word "humanitarian" only once in

12 and a half minutes. Given the subject of his amendment, that showed the true position of the Conservatives.

Members may recognise the Liberal Democrat amendment, as it is very similar to the one that we lodged in January and the same as the House of Commons amendment that we tabled in November. I know that many members believe strongly in the importance of international institutions; that is what has been so important for me in the debate. Those institutions must be rebuilt. The Liberal Democrat amendment encourages an approach towards Iraq whereby the United Nations is the only institution with the political and moral authority in this situation, and under which there should be no military action unless it is sanctioned by the UN Security Council, and only as a last resort, after all other avenues have been pursued. The amendment supports more time for the weapons inspectors and a substantive vote in the House of Commons. I was pleased that the First Minister recognised that in his remarks.

This is not easy for any member, especially Labour members. The case for war has not been made. More time is needed. Is that too much to ask? I encourage Parliament to support the Liberal Democrat amendment at this most grievously difficult international time.

12:29

Phil Gallie (South of Scotland) (Con): I intend to make no political points whatever in my speech, but I will respond to a couple of issues on which I feel that my party has been unfairly treated, concerning the involvement of previous Governments. John Swinney commented that the Conservatives provided a chemical weapons factory for Iraq. That was not the case—it was never thought that the factory would be for chemical weapons, and the Conservatives were among the first to sign up to the chemical and biological weapons agreement to remove those weapons from the world scene.

Andrew Wilson: Will the member give way?

Phil Gallie: I am sorry, but I do not have time.

Margaret Ewing suggested that the Labour party, the Liberals and the Scottish National Party came together to argue the case for the Kurds and the Shi'ite Muslims. I remind members that the Conservative Government committed our troops to the no-fly zones and that we went to protect Kurds and Shi'ite Muslims.

Mr Swinney: To be fair to the Conservative party, its Government was divided about that chemical plant. The former Foreign Office minister Richard Luce demanded that there be a ban on

building it, whereas Paul Channon, the trade minister at the time, said that such a ban would do our trade prospects with Iraq no good. That point supports what I said earlier.

Phil Gallie: That is a different point from the one about the intention to build a chemical weapons plant.

I remind Mr Sheridan that his trade union friends pressured the then secretary of state on that matter. The trade unions' interest was British jobs, and, perhaps wrongly, that was also the interest of our secretary of state. However, the trade union movement applied more pressure than anyone else did.

I am disappointed that Tavish Scott criticised David McLetchie for not mentioning the humanitarian aspect of this issue. Hardly any other member has mentioned that aspect. *[Interruption.]* I concede that Donald Gorrie did so, but hardly anyone else made such comments.

I am also disappointed with the report of the International Development Committee in the House of Commons, which demonstrates that no effort is being given to afterthought. What would be the outcome of a war in Iraq? Donald Gorrie described the administrative chaos that would follow such a war. Vast humanitarian support would be needed. John Swinney made a valid point in suggesting that money has been laid aside to cover our armed services. However, money should also have been laid aside for humanitarian effort.

I am disappointed by Clare Short's position. She may have reservations about this war, but her overseas development programme, on which she has been working for the past six years, is a bigger task for her to consider. I would have thought that she would be putting more time and effort into that programme than into undermining her Government. It is wrong for her to do that at this time.

I return to the current situation and the major dilemma that all members face. None of us wants a war. Anyone who wants to go to war must be cracked. That is the last thing that we need for people and the last thing into which any politician would want to drive their nation. However, we must examine the situation that actually exists. Whether we like it or not, the troops are on the borders of Iraq. Jim Wallace and others acknowledged that the presence of the troops has induced a change of heart in Iraq, which has allowed the weapons inspectors back in.

Much has been said today about time limits. We have been told that the inspectors should be given a little more time. The weapons inspectors should have been in Iraq for the past 12 years, but they were booted out six or seven years ago. If the

troops had not been deployed, where would we be today? However, they cannot be left there for ever.

Margo MacDonald (Lothians) (Ind): Will the member give way?

Phil Gallie: I will give way because Margo MacDonald has not yet spoken in the debate.

Margo MacDonald: I apologise for not being present earlier. I was at an international women's day meeting at which I spoke to Iraqi women.

Is there a time limit that Phil Gallie would consider reasonable for the work of the inspectors—who might become investigators—in Iraq?

Phil Gallie: I take the member's point. Realistically, the time that we need to get the message home to Saddam has probably just about expired.

I do not believe that we can continue to leave the inspectors there ad infinitum. The decision that needs to be taken now is whether we use our troops or bring them home. That is the stark reality that the Prime Minister faces. The morale, expertise and commitment of our troops will be undermined if they are left in the desert for the next three or four months.

Tommy Sheridan: Bring them home.

Phil Gallie: That is the argument that John McAllion is making, but let us be logical. If that argument is followed, Tommy Sheridan must ask himself what would happen next. Saddam Hussein would be seen as a great icon, someone who had reduced the United Nations to division and won his argument against the wider interests of the world. He would create a focus for all in this world who want to bring about destruction. He would provide a source of the most evil weapons, the use of which we just cannot imagine. We cannot afford to leave Saddam Hussein in that position. To withdraw our troops at this point would create that situation with respect to Saddam Hussein.

The Deputy Presiding Officer: You must close, Mr Gallie.

Phil Gallie: I say to all members that it would be very easy to support John McAllion's amendment, but it would be the wrong thing to do.

12:36

Cathy Jamieson (Carrick, Cumnock and Doon Valley) (Lab): We have had a full and frank exchange of views, the majority of which have been expressed in the tone and manner in which the people of Scotland would expect the Parliament to conduct its business. I remind the chamber that, like Jack McConnell, I grew up as an activist in various political organisations and

movements around the time of the anti-apartheid movement and the anti-racism demonstrations. I have worked continuously in the organisations in which I have been involved on issues such as Palestine, the western Sahara, and a range of other causes at times when they were not necessarily at the frontline or popular. Many of my colleagues—on the Labour benches and on other benches—have also done that.

I have also worked with people such as John Home Robertson in the aftermath of conflict, looking at what happened to children in Romania and Bosnia. I take on board the points that have been made this morning and I will come to the comments that Mike Russell, in particular, and Phil Gallie made on humanitarian aid.

We have been asked to express the views of our constituents. I am doing what many other people have done. I am struggling with the dilemmas that many of our constituents and the people of Scotland have. Some of my constituents in Cumnock have written to me, because they have family in the forces and they know that my position is that that kind of action should not be taken lightly or easily. They have written to me to express their real concerns about the current position.

Susan Deacon said that she is a parent. I am a parent too. I am the parent of a 17-year-old boy who is aware of the situation and can say to me that, whatever decisions we make, we must not make them lightly and we must not make party-political points.

We also know that there are many moral views and opinions. I have heard from the churches and I have heard some of those views expressed here today. There are people in my party, and others, who are passionately anti-war under any circumstances and I respect those views and opinions. Others think that we should have done more, sooner and I also respect those views and opinions, although I do not necessarily agree with them.

Stewart Stevenson (Banff and Buchan) (SNP): Will the member give way?

Cathy Jamieson: No. I want to make progress before I take interventions.

There are those who have strong views on the situation around international and humanitarian aid. I think that the views expressed today are a microcosm of the range of views held throughout Scotland and in my party. A quotation was used in the early stages of the debate today, which is something that I said in a previous debate.

Peace is not just the absence of war. It is about promoting fairness, freedom, justice and equality in a positive way and with compassion and

humanity. My whole working and political life has been about that peace, that freedom and that justice.

Robert Brown: Will the member take an intervention?

Cathy Jamieson: I will come to the member shortly.

Like many of my colleagues who have spoken in the debate, I recognise that everyone wants a just peace in the middle east. That is why I am prepared to support the Labour party's amendment. I do not want a rush towards war—nothing could be further from the truth. I recognise the genuine fears and concerns that have been expressed. I want to make it clear that amendment S1M-4012.6 supports the United Nations and recognises the UK Government's efforts to secure a further resolution.

Fiona Hyslop (Lothians) (SNP) rose—

Tommy Sheridan rose—

Robert Brown rose—

Cathy Jamieson: As Brian Fitzpatrick and Pauline McNeill said, the Labour party's amendment recognises the crucial role of the UN in resolving all conflicts in the middle east. We want all nations, including the USA, to work within the UN. [*Interruption.*] I listened to other members without interrupting them.

We recognise the efforts of the UK Government to secure a further resolution. As Jack McConnell said this morning, there is also a recognition that, if possible, the House of Commons should vote again before any conflict. As has been said, the debate is not a game or a debating contest and it is not about scoring party-political points. The fact that a judgment call has to be made has been reflected in the speeches of many members. There is a fine balance between taking military action, which risks innocent lives, and taking no action. Innocent lives have been lost and might continue to be lost.

Tommy Sheridan rose—

Fiona Hyslop rose—

Cathy Jamieson: Like George Reid, Mike Russell made a very powerful speech about the effect of conflict on children and young people. Mike Russell also highlighted what happens when there is injustice in a place such as Iraq. There will be no justice for the children in Iraq, who have no education or medical aid, and no prospects unless something changes in that country. We would not be in such a position if Iraq gave up its weapons of mass destruction and complied with the UN. I promised that I would give way.

Robert Brown: Does Cathy Jamieson accept that many people in this country would be greatly reassured if the Prime Minister and, indeed, the Labour leadership in the Scottish Parliament gave an absolute commitment to act only with the sanction, backing and authority of the UN?

Cathy Jamieson: I know that Robert Brown is genuine in making that point. We want to work through the UN to put pressure on the Iraqi regime to give up its weapons.

I want to pick up the points that Phil Gallie made. Regardless of what happens, we must ensure that we allow aid and support to be given to rebuild the Iraqi communities that are struggling. We must ensure that the children get the health care and the education that they need.

Some members have suggested that war is inevitable. Trish Godman and others made it clear that there is still the possibility of a peaceful solution. The Labour party supports the Prime Minister in his continuous efforts to push for such a solution.

Tommy Sheridan: Will the member give way?

The Deputy Presiding Officer: The member is now over time.

Cathy Jamieson: I am trying to answer the points that members made.

The Labour amendment reflects the view that a peaceful solution is still possible. It also reflects the fact that the situation is changing rapidly and recognises that there must be scope for continuing negotiations. I am reflecting the views of the vast majority of my colleagues in the Parliament.

The Presiding Officer is asking me to wind up. We have had a good debate and a mature discussion. I hope that members will follow their consciences when they vote, and that they will not send the wrong message or do anything that undermines the possibility of a fair, just and humanitarian solution to the problems of the middle east, which we all want.

12:45

Fiona Hyslop (Lothians) (SNP): We may be in the last days before military conflict. Today may be the last chance for this Parliament to express the views of its members, their constituents and Scotland on a war that would have global ramifications. The consequences of such a war will not be over in the brief spell of a "shock and awe" military bombardment, but will last for years.

Clear positions have been set out during the debate—some clearer than others. They have ranged from Margaret Ewing's comments about her constituents in the gulf to Murdo Fraser's analysis that the troops should go in now that they

are there. For clarity, I will go through the amendments and the amendments to the amendment in the order in which they will be voted on.

The Conservative amendment, in the name of Phil Gallie, supports Tony Blair but seeks to bring the humanitarian consequences of war to the fore. Phil Gallie is right to raise the humanitarian aspects and, I trust, will receive the support of all members. However, as Donald Gorrie said, it is a pity that the Tory leader did not speak to the Tory amendment, but displayed muddled thinking on what is or is not an authorisation for war. Perhaps he should have listened to John Young.

When John McAllion, in a powerful speech, spoke to his amendment, he said that the case for war had not been proven. We agree and we will support John McAllion's amendment to the Labour amendment. His single-line amendment is the same as the amendment that was supported by 199 MPs at Westminster. I think that John McAllion's amendment will garner support from many. If any members think that their opposition to the SNP is greater than their opposition to an illegal war, they may find safe haven in John McAllion's amendment, which takes the position that was supported at Westminster by Labour, Liberals, some Tories and the SNP.

Pauline McNeill: We have had a good debate this morning and we have heard a range of views from all parties. Can it be the case that only in the SNP is there no difference of views? What we have heard this morning suggests that there is a range of views.

Fiona Hyslop: In the last days of this Parliament, we have a chance to speak with the range of voices that we have heard today, but we also have a chance to vote. Would not it be better for the cause of peace if our vote was unanimous?

I turn to the Labour party amendment. If there was an undercurrent in the debate, it was about time. Should the weapons inspectors have more time? Why should the UK take us to war at this particular time? Should this Parliament express a view before or only after war starts? Should we be commentators after the event or participants during the debate? What is our job as democrats? How much time is there before war starts?

The Labour party amendment expresses no opinion on those matters but simply states a series of facts. It states the obvious without saying anything at all and so defeats the purpose of today's debate—which is perhaps its aim. The amendment states that UN authority is crucial in the middle east. Of course it is. My party has consistently expressed that justice for the Palestinians is key to stability and peace in the region. Nobody seriously disputes that. However,

tonight's vote will not add to the peace process if we do not speak out against war.

The amendment also states that Saddam is a danger and should co-operate with resolution 1441. Of course he should, but again that is not in dispute. The key issue is whether resolution 1441 is a mandate for war and whether there has been a serious material breach of that resolution. That case has not been proven. Only today, we heard Tony Blair tell Iain Duncan Smith that a second UN resolution on Iraq is now probably less likely than at any time. That means that we are back with 1441.

Cathy Jamieson, who is deputy leader of the Labour party, seemed to speak in a personal capacity as if she had forgotten that she was summing up for the Labour party. Before a previous vote, she told the *Carrick Gazette*:

"The important thing from my point of view, and the reason why I was happy to support the government position was that it states that any move against Iraq would have to be with the full support of the UN."

In his contribution, the First Minister said that the Labour party amendment says that there should be a UN resolution before action. I have looked at the text of that amendment and I cannot see where it says that there must or should be a UN resolution before action. Would the deputy leader of the Labour party clarify that? Where in the motion does it say that there should or must be a new UN resolution before action?

Cathy Jamieson: Fiona Hyslop is quoting from a local newspaper, which, for Parliament's information, interviewed me back in January. The paper also said that the local MP, George Foulkes, supported the Government's stance and the point that I made about Iraq at that stage, as did my colleague Phil Gallie. At that stage, even one of the SNP members for the South of Scotland said that he supported that position. [*Interruption.*] Fiona Hyslop asked for information and I have given that information. I also said today that I will do nothing to jeopardise the delicate and serious negotiations that are being conducted by the Prime Minister. No one in the chamber should do that.

Fiona Hyslop: Presiding Officer?

The Deputy Presiding Officer: I will compensate for time.

Fiona Hyslop: Thank you. I think we have it. The key issue is whether the Labour party in Scotland supports a Government that goes to war without a UN resolution. That is the key question and the key point for debate.

My next point is whether it is the objective of Her Majesty's Government to secure a further resolution before any military intervention. Clearly

it is—we note that the Government is pursuing a second resolution. That does not give the Parliament any authority to say that there must or should be a UN mandate before there is a war.

The Labour amendment adds nothing. What do we say to our constituents when they ask what we did in the Parliament in their name? Do we say "Nothing at all"? I am worried that the aim of the Labour amendment is to silence the Parliament on the debate of the day in the hours before war. The amendment is non-specific and it expresses no opinion even as to whether a second resolution should be supported, regardless of whether it is a mandate for war. It just notes the pursuit of a non-specific resolution. Is that what the Parliament will be reduced to voting on at decision time? If members believe that it is time to speak out, they should not be silenced by the Labour party's amendment.

I turn to some of the contributions from Labour members. John Home Robertson said that if we argue for war, it should be on the basis of human rights abuses. If we go to war to rectify human rights abuses, there is a queue and a lottery. Why Iraq now and why it first?

The Liberal Democrats' amendment is perhaps a more cautious variation, but we might be presented with it before a final vote is taken on the SNP motion. We sought clarification from the Liberal Democrats as to whether their amendment means that they agree with us that a specific military mandate is required for military action. That clarification was given.

Tavish Scott spoke about the importance of expressing concern about the US Administration. Many others have pointed out that our opposition is not to the American people; it is to an Administration that is in a rush to war. If there is clear and compelling evidence, it has not been presented. The inspectors need more time; the six undecided countries have asked that the inspectors be given 45 more days. The French, Russians and Chinese have asked for 120 more days.

Who should provide the evidence? The UK Prime Minister now wants to pre-empt the weapons inspectors and set his own terms and conditions for the evidence. Tony Blair wants to bypass the inspectors and set his own six conditions. Even the US thinks that that idea is questionable. If only one of those conditions is not met, that will be a trigger for war.

Is there a mandate for war on which to vote? The legality of the case is crucial to today's debate. John Swinney spoke of the references by Robert Black in *The Scotsman* today and other contributions. Is not it a cruel irony that Kofi Annan was at the launch of the International Criminal

Court when he spoke about it being illegal to go to war without a UN mandate? As Pauline McNeill said, it is interesting to note that the UK is a member of the International Criminal Court and the US is not.

I return to the key point. The First Minister glossed over the central issue, which is, if a second resolution falls, does he regard resolution 1441 as a legal trigger for war? He is hiding behind the phenomenon of an unreasonable veto, which is not grounded in international law. With the prospect of war looming, and the prospect of the latest unspecific resolution fading, where does he stand? Where is the authorisation for military action? Mike Rumbles was right to emphasise the need for a specific mandate. George Reid, John McAllion and others spoke at this critical hour of the importance of the UN. That is the key issue.

We have heard many moving reflections on the consequences of war and on the humanitarian aspects. Our key question is: do we believe that the plan is to shock and awe the children of Baghdad? Is that the best route—the only route—at this time to disarm Saddam Hussein? Trish Godman talked about the hardship of the people of Iraq, as did Alex Neil, as did George Reid, as did Michael Russell.

We heard about the international view in the wider debate. The eyes of the world wait and watch and worry. The voices of the world spoke—not just those of the non-aligned members, France, Germany and Russia—and they spoke of the need for time. If members read the latest, wider UN debate they will hear the views of people across the globe.

In conclusion, the seriousness of the arguments that have been deployed and the sincerity of members reflect that it was right to bring this debate to the chamber today, but the key issue is time. Is it time to speak or is it time to be silent? This is not the time for silence. War does not stop at Westminster. We must not be silent. We cannot be silent. SNP, Lib Dem, Tory, Labour, Green, SSP or non-aligned, we cannot be silent. We have a chance—just a chance—in the last days of this Parliament to speak with a unanimous voice. We have a chance to give a voice to the many people in this land who say, “Not in our name.” With Susan Deacon, I share the grave anxiety of the mothers of Scotland. Those mothers and fathers want to know if the case for war has been proven before our sons kill their daughters, before our daughters maim their sons, and before a war in our name starves their children. Not in my name do we march to war, when there is still time for peace.

The clock is ticking. Does it tick in this place as part of a timetable to war, or as the hand reaches midnight does it strike a chime for peace?

Business Motion

12:58

The Deputy Presiding Officer (Mr Murray Tosh): The next item of business is consideration of business motion S1M-4011, in the name of Patricia Ferguson, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees the following programme of business—

Wednesday 19 March 2003

9:30 am Time for Reflection

followed by Parliamentary Bureau Motions

followed by Stage 3 of Mental Health (Care and Treatment) (Scotland) Bill

followed by Ministerial Statement

2:30 pm Parliamentary Bureau Motions

followed by Continuation of Stage 3 Mental Health (Care and Treatment) (Scotland) Bill

followed by Parliamentary Bureau Motions

5:00 pm Decision Time

followed by Members' Business—debate on the subject of S1M-3961 Jackie Baillie: Reform of Charity Law

Thursday 20 March 2003

9:30 am Parliamentary Bureau Motions

followed by Continuation of Stage 3 of Mental Health (Care and Treatment) (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 Mental Health (Care and Treatment) (Scotland) Bill

followed by Motion on Sexual Offences Bill—UK Legislation

Motion on Railways and Transport Safety Bill—UK Legislation

followed by Parliamentary Bureau Motions

5:00 pm Decision Time

followed by Members' Business—debate on the subject of S1M-3897 Kenneth Gibson: Suicide Emergency Telephone Hotline

Wednesday 26 March 2003

9:30 am Time for Reflection

followed by Parliamentary Bureau Motions

followed by Executive Business

2:30 pm Parliamentary Bureau Motions

followed by Stage 3 of Council of Law Society of Scotland Bill

followed by Stage 3 of Commissioner for Children and Young People (Scotland) Bill

followed by Final Stage of National Galleries of Scotland Bill

followed by Stage 3 of Salmon and Freshwater Fisheries (Consolidation) (Scotland) Bill

followed by Parliamentary Bureau Motions

5:00 pm Decision Time

followed by Members' Business

Thursday 27 March 2003

9:30 am Parliamentary Bureau Motions

followed by Executive Business

followed by Members' Business

2:30 pm Question Time

3:10 pm First Minister's Question Time

3:30 pm Executive Business

followed by Parliamentary Bureau Motions

4:00 pm Decision Time.—[*Euan Robson.*]

Motion agreed to.

12:58

Meeting suspended until 14:30.

14:30

On resuming—

Question Time

SCOTTISH EXECUTIVE

Borders Rail

1. Christine Grahame (South of Scotland) (SNP): To ask the Scottish Executive what commitment it has made to finance the proposed Borders railway. (S10-6610)

The Minister for Enterprise, Transport and Lifelong Learning (Iain Gray): For capital infrastructure projects over 10 years, we have £3 billion of investment moneys, within which we have the necessary resources to implement a Borders railway project, subject to the business case being proven.

Christine Grahame: That is a rather more heartening answer. As the minister will be aware, £150 million has been committed to the Glasgow airport link, £500 million to the Edinburgh airport link and £375 million to a tramline in Edinburgh. [*Applause.*] They are not clapping in the Borders. Only £2 million has been committed to the railway line that, three years ago, the Parliament debated and voted unanimously to restore. Subject to what he said previously, can he give a further commitment that the proposed Borders line will be paid for, notwithstanding a business case, which he has not demanded from the projects to which I referred?

Iain Gray: Christine Grahame is quite wrong, in that those other projects are further down the appraisal process. On the proposed Borders railway, the Waverley railway partnership must produce, as I have said many times, a detailed plan, costings and a suggested funding package. However, that has not happened yet and it is clear that, until it does, it is not possible to commit to the project and to consider it properly.

In my statement last week, I made the point that the investment plan has taken account, within reason, of the possibility of the Borders plan being introduced and seeking development. That is the current position. As I said previously, we provided the £2 million not to hold up the process but to accelerate it.

David Mundell (South of Scotland) (Con): How does the minister explain his inconsistent approach to major transport projects? Last week, he stated in the chamber that the proposed Edinburgh tramway system would go ahead no matter what and that he was committing money to

it. Why is he applying different criteria to the proposed Borders rail link?

Iain Gray: I said that Edinburgh's plan for improvement in public transport would have to go ahead and be progressed. Edinburgh is not only our capital city, but our most successful city and it manifestly needs investment in its public transport infrastructure. I made a commitment to that. However, I also made the point that the parallel projects that make up that improvement plan will have to prove their business cases. However, they are further down the appraisal line than the proposed Borders rail link is.

All that I aim for in this matter is absolute clarity. There is space in our investment plans to progress and deliver on the proposed Borders rail link. The position is that the Waverley railway partnership is working up a detailed plan, with costings and a suggested funding package, and must also promote a private bill. That is what must happen next. There has been no ducking or diving on the issue. The situation is as I have said.

Ian Jenkins (Tweeddale, Ettrick and Lauderdale) (LD): Does the minister recall Parliament's unanimous view that the Borders rail link should be restored? Does he acknowledge that there is widespread support throughout the Parliament for the rail link? I acknowledge that a continuing process is involved and I welcome his support for it thus far. However, does he acknowledge that, after the election, my party and other parties in the chamber will still be committed to the restoration of the rail link and that there are political, social, economic and sustainability imperatives for the project going ahead?

Iain Gray: I certainly acknowledge the desire throughout the Parliament, to which Ian Jenkins referred and which has been demonstrated on several occasions, for the project to go ahead. However, it remains the case that we have an appraisal process to judge the effectiveness and desirability of individual transport projects and to ensure that we get value for money when investing public funds. The proposed Borders project must go through that process. The core issue is that a detailed plan has not been submitted to me because it is being developed by the Waverley railway partnership. I cannot commit to a project if a detailed plan is not available. However, there is scope in the investment plan for supporting a detailed plan for a Borders rail project if or when such a plan becomes available.

New Opportunities Fund

2. Marilyn Livingstone (Kirkcaldy) (Lab): To ask the Scottish Executive what proportion of the out-of-schools learning funding under the New Opportunities Fund will be allocated to Scotland. (S10-6648)

The Minister for Tourism, Culture and Sport (Mike Watson): Under round 3 of the New Opportunities Fund's funding programme, a total of £87 million is being made available in Scotland under the new opportunities for physical education and sport initiative. Of that money, 25 per cent is available for out-of-school-hours activities. In addition, a further £2.8 million was awarded to sportsotland to manage and deliver the fund's programme for out-of-school-hours learning and school sport co-ordinators.

Marilyn Livingstone: I welcome that funding. What steps are the minister and the Executive taking to ensure continued funding for Scottish initiatives and, in particular, to support investment in sport initiatives for young people in my constituency, such as skateboarding and golf coaching, which are currently being developed?

Mike Watson: On community initiatives, part of the New Opportunities Fund—and indeed of the Community Fund itself—is a fair share initiative, which is designed to encourage more community applications for the sort of projects that Marilyn Livingstone mentioned. The current round of New Opportunities Fund funding is ideal for such applications. The latest round of applications for the out-of-school initiative closes on 15 April and I suggest that the projects that she mentioned are of a sort that should apply for that funding.

Mr David Davidson (North-East Scotland) (Con): Perhaps the minister could explain why the north-east of Scotland does not get a reasonable share of the funding, based on its population. Will he explain the criteria and what the north-east is doing wrong?

Mike Watson: The north-east is not necessarily doing anything wrong. The money is not allocated on a geographical basis. The funds can respond only to the applications that are received.

Scotland gets 11.5 per cent of the New Opportunities Fund and the Community Fund. That is higher than the share per head of population in the United Kingdom as a whole, so Scotland does relatively well out of the funds. I have no answer for the north-east of Scotland, but the share is down to the number of applications. That is what the funds will respond to.

Credit Unions

3. Johann Lamont (Glasgow Pollok) (Lab): To ask the Scottish Executive what support it is giving to credit unions. (S10-6637)

The Deputy Minister for Social Justice (Des McNulty): The Executive is providing £1.5m over the three years to 2004-05 to help to implement "Unlocking the Potential—An Action Plan for the Credit Union Movement in Scotland". Our funding is helping credit unions to comply with the

Financial Services Authority's regulatory requirements and to increase their membership and the services that they offer.

Johann Lamont: I acknowledge the important and increasingly effective role of credit unions in my constituency and elsewhere. What support has been given to credit unions to play a role in the important money advice function that the Debt Arrangement and Attachment (Scotland) Act 2002 created? What support is given to school initiatives, such as the one in my constituency, that aim to develop good saving habits in our primary school children?

Des McNulty: Credit unions can help their members avoid the need for the last-minute solutions in the Debt Arrangement and Attachment (Scotland) Act 2002. Low-cost loans, affordable forms of credit and the other financial products that they offer all help people to manage their finances better and avoid getting into debt.

We are keen for credit unions to encourage children to start the saving habit early. Many credit unions already do that. Capital Credit Union and Craigmillar Credit Union both have junior saving schemes. We are keen for other credit unions to extend those schemes and we will consider how they can provide them.

Linda Fabiani (Central Scotland) (SNP): Is the minister aware that, since the advent of the FSA, it is more difficult to set up a credit union? Will he also explain how, when—as shown in a parliamentary answer—the Executive does not hold information centrally, it can promote new credit unions?

Des McNulty: I have had meetings with the Scottish credit union partnership—SCUP—and other credit union providers. Margaret Curran has had such meetings as well. We have provided significant support to credit unions in the past two years, which has allowed credit unions to start up, kept them in existence and allowed some of them to expand their services. We will continue with that approach.

Clearly, we need to work with individual credit unions and credit union representative associations to improve the information base on how credit unions operate and what services they currently provide; then we can help more of them to learn from one another. We will continue to do that work.

Mrs Lyndsay McIntosh (Central Scotland) (Con): Can the minister tell us, with reference to his negotiations with SCUP, what research has been undertaken on the effectiveness and stability of credit unions?

Des McNulty: I am sorry, but I did not hear the question.

Mrs McIntosh: Can the minister comment on the stability and effectiveness of credit unions, in the light of any research that the Executive has undertaken on them?

Des McNulty: One of the reasons why we are providing funding under the “Unlocking the Potential” action plan is to support the health checks and business planning that is taking place within credit unions. Throughout Scotland, credit unions—in company with SCUP and, in some instances, local authorities—are considering how they can meet the FSA's requirements and how they can sustain themselves as effective businesses. The best method of doing research is to carry on with those financial health checks and to establish, in partnership with the credit unions, what support is needed and how best it might be provided.

National Waste Strategy

4. John Scott (Ayr) (Con): To ask the Scottish Executive how it will deliver its national waste strategy. (S1O-6605)

The Minister for Environment and Rural Development (Ross Finnie): The national waste plan, which I launched on 24 February, forms the keystone in the implementation of our national waste strategy. It is built around a major commitment of funding by the Executive to transform Scotland's record on waste reduction, recycling, composting and recovery.

John Scott: In the national waste plan, the minister claims that a target of recycling 25 per cent of municipal waste can be achieved by 2006. Given that it will take at least one year to get planning permission for the many recycling points required, pollution prevention certification will take another year and building the structures involved will take two years—that makes a total of four years—does he agree that the buildings cannot be built in time to meet that target by 2006 and that therefore the target is unachievable?

Ross Finnie: No, I do not agree with John Scott. It is interesting that he allots, on the basis of speculation, one year for each part of the process. Some local authorities may have to strike a balance on improved waste recycling and decide whether it is better for the environment to have waste landfilled in its existing condition or whether it is better to reduce landfill. Those will be difficult decisions for local authorities to take, but I do not accept the premise of the question.

Bruce Crawford (Mid Scotland and Fife) (SNP): Can the minister confirm that in 1999 there was, as part of the national waste strategy, a target to reduce municipal waste production by about 1 per cent per annum? Can he also confirm that, in the national plan that has just been

announced, the revised target for municipal waste reduction is to achieve zero growth by 2010? A lot of good stuff is in the strategy, but does he not accept that its credibility has been undermined by the fact that the Executive has given up on reducing waste in Scotland?

Ross Finnie: I do not accept that. We are continuing to try to reduce total waste—that is part of the strategy and of the targets that are set in the plan. We have made no pretence of the fact that the exercise will be difficult. Bruce Crawford and I both know that we have one of the worst records in dealing with waste in the whole of Europe. The task is substantial. The targets that are set out in the plan aim to achieve a considerable reduction in our production of waste and a substantial improvement in the amount of waste that will be recycled.

Dr Sylvia Jackson (Stirling) (Lab): In relation to the implementation of the national waste plan and in light of the changes that are being made to the landfill tax credit scheme, can the minister reassure me that the funding for research and development work—particularly work related to how electronic waste can be dealt with, which is taking place in my area—will be safeguarded? Will the plan allow for the continuing involvement of community businesses as well as the voluntary sector?

Ross Finnie: I will answer the last point first. As Sylvia Jackson knows, we have announced that, as an interim measure, we will give interim support to the voluntary sector groups that are engaged in recycling products. That funding is being channelled through Entrust and will be available for a year.

On the restructuring of the landfill tax credit, we still await confirmation of the precise amount that the Chancellor of the Exchequer indicated in his speech would be channelled back to the Scottish Executive. We are confident that if we receive our proportionate share, we will be able to protect the projects to which Sylvia Jackson refers.

Robin Harper (Lothians) (Green): The minister may not be aware that at least one of Scotland's community recycling schemes is considering laying off staff as a result of the change in category C funding. Can he explain how reducing community recycling will contribute to meeting the recycling targets?

Ross Finnie: I can only repeat what I said in response to Sylvia Jackson's question. We have moved swiftly towards giving community bodies interim funding, which we are channelling through Entrust. I would be extremely disappointed to hear of any voluntary body laying off staff. That was not the intention; our clear intention was to put the money in place, starting on 1 April. We made a

clear announcement on the matter, and, as I said, we are channelling the funds through Entrust. If the member is aware of a particular case that seems to be slipping through Entrust's net, I would be pleased to hear from him.

National Lottery Community Fund

5. Mr John Home Robertson (East Lothian) (Lab): To ask the Scottish Executive what discussions it has had with the Department for Culture, Media and Sport on the future of the national lottery Community Fund. (S1O-6635)

The Minister for Tourism, Culture and Sport (Mike Watson): The Deputy Minister for Tourism, Culture and Sport met the Secretary of State for Culture, Media and Sport and the Minister for Culture, Sport and Welsh Language of the National Assembly for Wales on 27 February to discuss a range of issues concerning the national lottery, including the proposed merger of the Community Fund and the New Opportunities Fund. No decisions have yet been made and further discussions will take place.

Mr Home Robertson: Does the minister share my concern that a disproportionate amount of lottery funding has tended to go to better-off communities? Putting it crudely, Kensington and Chelsea are getting an awful lot more from lottery funding than Prestonpans and Tranent. I suppose that that may be because it helps to have as local residents retired bank managers who can understand the application procedures.

Can the minister report on what progress has been made on the Executive's efforts to encourage good bids for lottery funding from disadvantaged communities throughout Scotland?

Mike Watson: We ought to be wary of criticising bank managers. Many of us are best friends with our bank managers—if some members are not, they should be.

John Home Robertson's point is similar to that raised by David Davidson earlier on the spread of awards to different communities. The fair share initiative that I mentioned earlier is targeted not so much on those communities that are not getting awards, but on those that are not generating applications. Under the fair share initiative, a specific amount of money is put aside to help six communities, which, from memory, are Glasgow, Dundee, the two Lanarkshires, Renfrewshire and one of the Ayrshires—I am not sure which. The idea is to encourage more applications from those areas. That is one way in which lottery funding is to be shared more evenly. I accept John Home Robertson's point that that has to be seen to be done more equitably.

Cathy Peattie (Falkirk East) (Lab): Does the minister accept that voluntary organisations such

as councils for voluntary services play a key role in helping organisations to fill in funding application forms? Does he recognise the importance of continuing to support such organisations as we do now, to ensure that they can carry out their work?

Mike Watson: That is an important point. The Scottish Council for Voluntary Organisations has made detailed comments on the proposals for merging the Community Fund and the New Opportunities Fund. I acknowledge that the proposals are largely related to the two organisations' roles. It is important that everybody who wants to apply for lottery funds of whatever size—the awards-for-all scheme covers applications for small lottery awards of between £500 and £1,000—is able to do so. People should not be put off, for whatever reason, by the form in which the application has to be made.

Crime (North Ayrshire)

6. Kay Ullrich (West of Scotland) (SNP): To ask the Scottish Executive whether adequate resources are being applied to combat crime in North Ayrshire. (S1O-6622)

The Deputy Minister for Justice (Hugh Henry): While we could always argue for more resources, in recent years substantial extra investment has been made in North Ayrshire to combat crime.

Kay Ullrich: I remind the minister that new Labour has been in power since 1997. Can he explain why, since then, the incidence of violent crime in North Ayrshire has risen by 39 per cent, that of housebreaking has risen by 32 per cent and that of fire-raising and vandalism has risen by 50 per cent? Can he also explain why the number of drug offences has increased by a staggering 63 per cent over just three years? Is that what the Executive calls being successful in the fight against crime?

Hugh Henry: I will quote from a recent article in the *Largs and Millport Weekly News*. The headline reads "Crime rates are falling", and the article says:

"Falling rates of crime in North Ayrshire have been applauded by the local MSP, Allan Wilson ...

Daily crime rates have apparently fallen from an average of thirty per day in 2001-02 down to twenty-four at the end of January this year."

Kay Ullrich asks about the Executive's response, so I will indicate what we are doing. There are record numbers of police and support staff throughout Scotland. In North Ayrshire, we have invested £143,000 in closed-circuit television; £238,000 in a community safety partnership award; a total of £490,000 in youth justice in 2002-03; £6.75 million over three years from the better neighbourhood services fund to tackle such issues

as community safety and crime; £1.9 million for additional drug treatment—

The Presiding Officer (Sir David Steel): Order.

Hugh Henry: And, Presiding Officer—

The Presiding Officer: No, Mr Henry—hang on.

Hugh Henry: Last but not least—

The Presiding Officer: No.

Hugh Henry: —the sum of £4.85 million over the next three years for quality-of-life funding.

The Presiding Officer: I remind ministers that other members like to ask supplementaries. Ministers might like to keep some of their ammunition for those members.

Irene Oldfather (Cunninghame South) (Lab): Will the minister join me in welcoming the news that resources have been allocated to provide CCTV in Irvine, the contract for which will go out to tender in the next two weeks? Does he commend the local community safety forum for its persistent efforts to secure that money for CCTV? Does he also support that forum in its efforts to tackle the fight against crime in my area? According to figures that the police gave to Allan Wilson and me, there is a reduction in crime there.

Hugh Henry: I would like to commend the local groups that have been actively involved. I am sure that the introduction of CCTV in those areas will be welcomed. Those cameras will join the six that are already in Irvine town centre, the eight that are in Whitlets, the eight in Saltcoats, Ardrossan and Stevenston, and the three that are in Kilwinning.

Phil Gallie (South of Scotland) (Con): Does the minister accept that the figures that Allan Wilson and the local press gave seem to be at odds with the figures that the Government released? Following concerns that the First Minister expressed last week about the weekend culture of violence in Scotland, will the minister comment on the situation in towns such as Irvine, in which that culture is all too often evident? Will he also comment on the lack of holding cells in Irvine and advise me whether the police find it hard to cope with that additional problem?

Hugh Henry: I believe that a new police station will be opened in the next couple of months. However, operational matters are the responsibility of the chief constable.

Phil Gallie raised the bigger issue of violent crime, which affects not just North Ayrshire but the whole of Scotland. The First Minister has made it clear that that is unacceptable. There are cultural issues that we need to address, and there are resource and legislative issues that we are addressing and will continue to address. Violent behaviour is unacceptable and will be dealt with.

Children (Reading)

7. Mr Kenneth Macintosh (Eastwood) (Lab):

To ask the Scottish Executive what action is being taken to help parents encourage young children to read. (S10-6631)

The Minister for Education and Young People (Cathy Jamieson): In August last year, I launched the home reading initiative, which is aimed at encouraging parents and carers to read with their children.

We have produced "Read Together", a guidance booklet for parents and carers. We have encouraged people to sign up as reading champions and have established a small grants scheme to enable local groups and centres to develop and support home reading. Local groups can apply for grants under that scheme.

Mr Macintosh: The minister will be aware of the support and welcome that schools in my constituency, including Arthurlie Nursery in Barrhead, have given to the reading champions programme. Leaving aside the fact that I have signed up to the scheme, can he say how much progress has been made in signing up reading champions from a range of backgrounds to encourage early reading habits?

Cathy Jamieson: From visits to Arthurlie Nursery and, last week, to Preston Street Primary School in Angus MacKay's constituency, where I launched the website that is associated with the project, I am aware how valuable parents, carers and young people think the initiative is. I do not want to name and shame MSPs who have not yet signed up as reading champions, as they can still do so. The latest recruits are J K Rowling and David Sneddon.

Fiona McLeod (West of Scotland) (SNP): I declare my registered interest as a fully signed-up reading champion who has just undertaken four local events associated with world book day last Thursday.

The minister mentioned the small grants scheme. How much funding has been set aside in total for the home reading initiative? What criteria has the minister established for achievements under the scheme?

Cathy Jamieson: I recognise that Fiona McLeod has taken an interest in this issue. I assure her that the home reading initiative has had an impact in a number of schools and nurseries that I have visited, where there has been increased demand for use of library facilities.

A total of £300,000 has been set aside for the small grants scheme. It is intended to provide localised funding for small groups that might not have access to other sources of funding to provide story sacks, for example, and other ways of

involving parents in the process. I will send the member the full details.

Mr Keith Raffan (Mid Scotland and Fife) (LD):

Does the minister agree that if we are successfully to encourage young people to read, it is as important to invest in school library stock as it is to invest in school computers? Will she tell us what action the Scottish Executive is taking to provide adequate funding to ensure that school library stocks are kept up to scratch, particularly taking into consideration the high inflation rate in publishing?

Cathy Jamieson: I remind Keith Raffan of the record investment that the Executive is making in education through local authorities and the initiatives that supplement that investment. I have been very impressed as I have travelled round schools where people want to use modern technology but also recognise the value of books and reading materials. They want to upgrade the library facilities, equipment and resources to ensure that young people get the best opportunities. That will be a key feature of the work that we will undertake in developing a school estates strategy in order to ensure that young people have access to the best possible learning environment.

Enterprise (Young People)

8. Helen Eadie (Dunfermline East) (Lab): To ask the Scottish Executive how it will encourage young people to become involved in enterprise. (S10-6634)

The Minister for Enterprise, Transport and Lifelong Learning (Iain Gray): We have already signalled in our recent strategy for lifelong learning our wish to effect a step change in the delivery of enterprise in education for our young people. To that end, we have set aside £40 million over the next three years.

Helen Eadie: I would be grateful if the minister would outline what steps the Scottish Executive is taking to encourage young people to get involved in the creation of co-operatives or mutuals. In my constituency are Inverkeithing High School, Beath High School and Lochgelly High School. We perhaps do not give the emphasis that we should to that way of creating new businesses, which benefits the community.

Iain Gray: Soon we have to respond to the report "Determined to Succeed—A Review of Enterprise in Education", which examines how we deliver education for work and enterprise in our schools. The purpose of that is to open our young people's minds to different opportunities and possibilities. Helen Eadie makes a good point, which I will reflect on and feed back into our response to the report.

Alex Neil (Central Scotland) (SNP): How many young people will benefit from the £40 million being laid aside for enterprise education? What progress is being made in establishing a Scottish national association for enterprise education?

Iain Gray: The recommendations of the report say that every one of our young people should experience education for work and enterprise at every stage in their school career. We have to respond to that report and we will be doing so soon. Therefore the answer to Alex Neil's question is that all our young people will benefit.

Miss Annabel Goldie (West of Scotland) (Con): I declare an interest as a director of the Prince's Scottish Youth Business Trust. Does the minister agree that the trust has proved to be an impressive model for encouraging young people to start up and succeed in running their own businesses? Does he accept that the trust and others like it could have a role to play in missionary work in our schools in which businesspeople communicate with youngsters? Would they not be better ambassadors for the cause than bureaucrats?

Iain Gray: I am not sure whether Annabel Goldie has read "Determined to Succeed", but it was produced by a group chaired by my colleague Nicol Stephen and made up substantially of people in business. The members of that group were clear that direct contact between businesspeople and our young people should be at the core of what we do. When we respond to the report, we will be clear about how we ensure that that happens. The report acknowledged the PSYBT's work in spreading the word about the enterprise culture and supporting young people in starting businesses.

Dorothy-Grace Elder (Glasgow) (Ind): Is the minister aware that Scottish Enterprise Glasgow is forcing the closure of a jobs and enterprise scheme for 300 young unemployed people from the east end, which was run through the East End Partnership? Scottish Enterprise is forcing that closure on 31 March by withdrawing a grant from Scottish Enterprise Glasgow. The young people will lose their job opportunities within a fortnight. Will he please investigate and answer the question that so many are asking: what is wrong at Scottish Enterprise?

Iain Gray: I assume that Dorothy-Grace Elder is referring to the training and employment grants scheme. I am aware of the changes. In very recent days, a number of MSPs have written to me to raise that issue. I have asked for a report on the situation. When I receive that report, I will respond directly to those who have raised the matter. Dorothy-Grace Elder also has a question on the issue next week.

Cancer Services

9. Scott Barrie (Dunfermline West) (Lab): To ask the Scottish Executive how it will ensure the early diagnosis and treatment of male cancers. (S10-6640)

The Minister for Health and Community Care (Malcolm Chisholm): "Cancer in Scotland: Action for Change" sets out a variety of measures that are aimed at improving prevention, earlier detection and more rapid diagnosis and treatment for all cancers.

Scott Barrie: I am sure that the minister will agree that Scottish males are far less likely to visit their general practitioners than women are. What steps is the Scottish Executive taking to break down that reluctance to seek medical help? How can we persuade men that checking on their health is not a sign of weakness and is essential if we are to improve Scottish males' recovery rates from all forms of cancer?

Malcolm Chisholm: I agree that it is important that men take more responsibility for their health. There are various initiatives that will help in that regard. The information initiative that will be mentioned in answer to a subsequent question is part of that. It will help men to be better informed about cancer issues.

Improving access is very important as well. I recently came across an example of that. A men's health clinic will soon be set up in the north-west Edinburgh local health care co-operative. It will support men from parts of my constituency and from parts of Margaret Smith's. It will be nurse led. It is an innovative example of the new kinds of services that we want to be developed in primary care. Improving access in that way is important.

Mary Scanlon (Highlands and Islands) (Con): I put on record the appreciation of those who attended the Scotland against cancer conference last Friday for the Presiding Officer's speech about being a cancer patient. Given that men are reluctant to attend their doctor to present early with symptoms, as Scott Barrie has said, I ask the minister to ensure that GPs and local national health service teams are included in the early detection of male cancer. I also ask that the excellent work that is being carried out by Dr Barlow, who is a GP in Glasgow, be built on.

Malcolm Chisholm: I agree entirely with what Mary Scanlon said about the Presiding Officer, who gave a very informative and moving speech at the conference on Friday. The new guidance that was sent out to GPs last year included the new advice about the prostate-specific antigen test for prostate cancer. If men want that, they can certainly get it, but they must have a discussion about the complexities of the issue. We are committed to that, as is George Barlow, the GP in

Glasgow whom Mary Scanlon mentioned, who is very much involved in redesigning cancer services. There have been big reductions in the time for first appointments because of the redesigning of cancer services in south Glasgow. That is another important part of progress on earlier diagnosis.

Brian Fitzpatrick (Strathkelvin and Bearsden) (Lab): Does the minister agree that one of the conclusions that emerged from the Scotland against cancer conference was that access to support and information, especially communication, is essential? Will he look at the work of CancerBACUP and the Maggie's centres on securing better male participation, given that information and support can also assist treatment?

Malcolm Chisholm: I join Brian Fitzpatrick in paying tribute to the work of the voluntary sector in relation to cancer. I highlighted that more than once in my speech at the conference on Friday. CancerBACUP in particular makes a large contribution in the field of information. As Brian Fitzpatrick said, it is important that we ensure that men are accessing such information as well. We need to examine that issue and we will be discussing it again shortly.

Scottish Enterprise Tayside (Meetings)

10. Mr John McAllion (Dundee East) (Lab): To ask the Scottish Executive what recent discussions it has had with Scottish Enterprise Tayside about encouraging enterprise and innovation in Tayside. (S10-6614)

The Minister for Enterprise, Transport and Lifelong Learning (Iain Gray): The Executive has regular contact with Scottish Enterprise and with its local enterprise companies on matters relating to enterprise and innovation.

Mr McAllion: In answers to previous written questions about the spending and investment decisions of Scottish Enterprise and its local enterprise companies, the minister told me that those were operational matters for Scottish Enterprise. When I turned to my local enterprise company, it told me that I could not get access to that information, because it was commercially confidential. How can MSPs, or anyone else, judge whether the enterprise companies are encouraging enterprise and innovation if we do not get access to the key decisions that they make and if those decisions remain shrouded in secrecy?

Iain Gray: I am not sure to which investment decisions Mr McAllion refers. Perhaps the best thing would be for him to write to me and copy his correspondence with Scottish Enterprise Tayside. For 2002-03, Scottish Enterprise Tayside has a budget of £8.7 million. That is a public figure, but it

does not include some of the funds that are available through national mechanisms such as the modern apprenticeship scheme, which Scottish Enterprise Tayside has a part in delivering. If Mr McAllion was unable to obtain specific figures, I will pursue the matter if he writes to me again.

Murdo Fraser (Mid Scotland and Fife) (Con): Is it not time that the minister conceded that the whole Scottish Enterprise network is completely discredited? The declining economy of many small towns in Tayside would be better served by redirecting some of that money to a reduction in business rates. Is it not time to stop giving the money to public servants to hand out to the favoured few?

Iain Gray: Absolutely not. Sticking with Dundee for the moment, we know that Dundee has a number of the most cutting-edge life science companies in the world, such as CXR Biosciences, Cypex and Cyclacel. All those companies have benefited from the Scottish Enterprise biotechnology cluster approach and from support through, for example, the proof-of-concept fund, the small firms merit award for research and technology, and the support for products under research scheme. Those things are driving research and innovation in Dundee and they are entirely worth while. Cutting the support for business is, frankly, the last thing that Dundee needs just now.

Public Transport (Edinburgh)

11. Margo MacDonald (Lothians) (Ind): To ask the Scottish Executive what assistance it is giving City of Edinburgh Council in developing a cohesive and integrated public transport system. (S10-6641)

The Minister for Enterprise, Transport and Lifelong Learning (Iain Gray): I am sure that Margo MacDonald will join me in welcoming the £375 million that was announced last week for the City of Edinburgh Council—the biggest-ever commitment to Edinburgh's public transport system.

Margo MacDonald: Absolutely. I think that the minister is terrific. I would think him even more terrific if he promised and earmarked money for the Borders rail link, but more of that later. I am concerned that the anti-congestion policies that, with the best of intentions, have been pursued so far have proved utterly unsuccessful. Given that any referendum on car congestion in Edinburgh will not be carried out until at least 2006, I am concerned that there is a gap. What will the Executive do to help the council to fill that gap?

Iain Gray: I think that I made this point in answer to questions on the funding for the

Transport Initiatives Edinburgh plans: it would be a mistake to think that the recent announcement was the only investment in public transport in Edinburgh. Edinburgh and the Lothians also did well out of the fifth and final round of the public transport fund, which will allow the city council to go ahead with other projects. For example, it will enable the doubling of the size of the park and ride on the north of the Forth bridge and the provision of new park and rides around Edinburgh. If Margo MacDonald's point is that Edinburgh cannot wait until 2006 but must make public transport improvements right away, I agree with her, but that is what we are doing.

Sarah Boyack (Edinburgh Central) (Lab): I add my voice to those of Margo MacDonald and all my local colleagues in welcoming the massive amounts of money that the minister recently committed to trams and to the rail link to Edinburgh airport. It is quite right that time should be taken in designing the routes for those projects and in consulting local people on those, but during that process the minister must ensure that he focuses on investment. We need investment not only in park and rides but in bus services and in improving our local rail services. A great deal could be done with the local bus operators, the train companies and the city council.

Iain Gray: Again, I can only agree. I remind colleagues that a new rail station will be opened later this year in Edinburgh Park, which is a business park in which tens of thousands of people are employed. Those are the kinds of developments that we need to see even in advance of trams.

Lord James Douglas-Hamilton (Lothians) (Con): In developing a coherent and integrated transport system, what is the minister's best estimate as to the completion date for railway links to Edinburgh airport and Glasgow airport?

Iain Gray: The dates are 2008 for Glasgow and 2010 for Edinburgh.

Cancer (Information)

12. Irene Oldfather (Cunninghame South) (Lab): To ask the Scottish Executive how it will ensure that people with cancer have access to the information that they need, when they need it. (S10-6636)

The Minister for Health and Community Care (Malcolm Chisholm): "Cancer in Scotland: Action for Change: A Guide to Securing Access to Information" was launched on Friday 7 March. It offers guidance to ensure that people who are affected by cancer receive the information that they need, when they need it.

Irene Oldfather: I thank the minister for his answer and welcome the initiative that he has

outlined. Does he agree that patients should be provided with information on clinical diagnosis at the earliest opportunity? To that end, will he indicate what priority the Executive attaches to further development of one-stop clinics, such as the colorectal and breast cancer clinics in Ayrshire, which allow people to have speedy investigation and diagnosis?

Malcolm Chisholm: I have seen some of those one-stop clinics in Ayrshire and elsewhere and I am sure that that is an important example of redesign in the interests of patients so that diagnosis and treatment takes place more quickly.

As for treatment, so for information. We want it to be in the right place at the right time and of the right quality. The work that was done in the document to which I referred was very helpful and I pay tribute to the patients and the voluntary sector groups who were also involved. It was an example of genuine partnership in action.

The Presiding Officer: Before I turn to First Minister's questions, I am sure that members would like to welcome to the gallery the members of Parliament from Azerbaijan, headed by Mr Speaker Aleskerov.

First Minister's Question Time

15:11

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 intends to raise. (S1F-2569)

The First Minister (Mr Jack McConnell): I spoke with the Prime Minister last night and we plan to meet later in the month.

Mr Swinney: This morning we debated the international situation and I return to one of the questions in that debate. Will the First Minister support military action in Iraq in the absence of a specific mandate from the United Nations?

The First Minister: I was asked that question this morning and, as I said then, there are different views on the extent to which resolution 1441 provides a mandate. As I also said this morning, I think that the absolute priority for the United Kingdom and for the international community at this time is to secure that second resolution that the Prime Minister has earnestly, genuinely and hopefully for the United Kingdom suggested should include a set of clear targets for Saddam Hussein and a clear deadline for meeting them. That one final chance seems to be the right way forward for the United Nations and I hope that it takes it.

Mr Swinney: While we were debating the issue this morning, the Prime Minister told the leader of the Conservative party in London that a second resolution was now probably less likely than it had been at any other time. Now that the Prime Minister is facing up to the reality that a second resolution is not going to be forthcoming, will the First Minister do likewise? I ask him once again: does he support a war without UN backing?

The First Minister: I have just answered the final part of Mr Swinney's question by saying that, as was made clear in today's debate, there are different views about the extent of the existing mandate. However, in my view, there is a clear preference among politicians in Edinburgh and the United Kingdom and among the British public and the Scottish public that the United Nations should take its responsibilities seriously and pass a second resolution. People would welcome the Prime Minister's initiative to ensure that the resolution had a clear deadline.

The Prime Minister's strategy over the past six months has been instrumental in ensuring that the United States of America does not take precipitate action in Iraq. I believe that, if it were not for the

actions of Tony Blair, the USA would already be at war. Whatever is happening elsewhere—and whatever might be said by the media elsewhere or by politicians in another place—I do not believe that the chamber should undermine the Prime Minister's efforts at this vital stage.

Mr Swinney: That was the third time today that I have asked the First Minister that question and, again, a clear answer was not forthcoming. It is the material question before the Parliament decides on the issue at decision time later today. When our Parliament meets again next week, this country might be at war with Iraq. The people of Scotland are entitled to hear the views of our First Minister on this vital issue. On the final time of asking, will the First Minister support a war without UN backing?

The First Minister: I am sad at the fact that—*[Interruption.]* This is a serious subject and it deserves a serious response. Just as, in my view, simplistic views are wrong in Washington and in Paris, they are wrong in this chamber. This is not a simple matter with one answer that is right or wrong. This is a complex matter that requires sensible, cool heads at a difficult time to make the right decisions. I do not envy Tony Blair, our Prime Minister, the decision that he might have to make in the next few weeks, but I will not contribute to this chamber's undermining his efforts to get the United Nations to do the right thing. He is attempting to achieve that, he is right to do so and I hope that he succeeds.

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-2582)

The First Minister (Mr Jack McConnell): Mr McLetchie will be surprised to know that we will discuss matters of importance at the Cabinet.

David McLetchie: I am not in the least surprised to hear that. That is what the First Minister and the Cabinet are paid to do.

We are all acutely aware that this might be the last First Minister's question time before Scottish servicemen and women are involved in military action in Iraq. We would all agree that they deserve our full backing and support, should action be taken. The First Minister will know that men and women who are on active service abroad are always concerned for their families at home. Would he care to update the Parliament on the security and other measures that are being taken to protect people in Scotland? Is he satisfied that contingency plans are in place and that they are robust?

The First Minister: There are three issues. First, the Ministry of Defence takes its

responsibilities seriously in ensuring that people who will be worried and concerned at home when members of their families are abroad and potentially facing conflict are looked after properly and given every support. All public services in Scotland—either those for which we have some responsibility or those in the hands of our local authorities—should assist the MOD in providing that support. That is the sort of co-ordination that is currently going on.

Secondly, the contingency planning that is necessary in these circumstances has been assiduous. This week again there were meetings and exercises to ensure that, across the board in Scotland, those who are responsible for contingency planning are ready and prepared for any eventuality in any way that it is possible to be prepared for those circumstances.

Thirdly and finally, it is important that we do all that we can to reduce community tensions at this time, particularly in our schools, where I am concerned that children of ethnic minorities in Scotland may be bullied if international tensions rise. We must ensure that, in our schools and elsewhere in the weeks ahead, those who live peacefully in Scotland in our communities—either because they were born here and live here and are part of our community or because they have come here in more recent years—do not become targets for racist abuse.

David McLetchie: Having reflected on this morning's debate, does the First Minister agree that no one in the Parliament is pro-war, but that we are all anti-Saddam Hussein? The First Minister mentioned people who are now living in Scotland. Does he agree that we should listen to some of the Iraqis who are living in exile in Scotland, who know that there will be no peace in their homeland until Saddam is removed? We were all shocked to read about the chemical warfare that Saddam Hussein waged against his own people, which was graphically illustrated and described in *The Herald* newspaper this morning. Does the First Minister agree that, if Saddam Hussein can do that to his own people, he is certainly a threat to the rest of us and that we must be vigilant against the possibility of terrorist activity and reprisals?

The First Minister: As I said in this morning's debate, I had personal knowledge of the circumstances in Iraq 20-odd years ago, when Iraqi students in this country needed protection from the Iraqi secret services as they were persecuted and chased around Scotland. That matter is serious, but it is not as serious as the 15th anniversary on 16 March of Saddam Hussein's horrific gas attack against his own people. That shows the nature not only of the man but—let us not be too personal—of the regime.

Whatever our differences on the tactics for other issues of the day, we in this country need to be clear that we should stand united and say that, for him, enough is enough.

Tavish Scott (Shetland) (LD): Does the First Minister accept that the United Nations must be the forum of international decision making, to ensure that unilateral military action is avoided?

The First Minister: I strongly believe that the United Nations is the right forum for such international decision making. That is why I have said consistently and—I hope—clearly that, should further military action be expected or required, the decision should be made in the United Nations. However, I am not prepared to second-guess what might or might not happen in the next few days.

Nobody should doubt that the Prime Minister's actions are motivated not only by what he believes to be right, but by a desire to represent British public opinion. It is right and proper to say that his actions in the past 48 hours to seek a second resolution that gives Saddam Hussein a further deadline, even though he was given a final deadline back in November, are honourable. I hope that the international community responds positively.

Broadband Services (Access)

3. Rhona Brankin (Midlothian) (Lab): To ask the First Minister how the Scottish Executive will ensure optimum access to broadband services. (S1F-2585)

The First Minister (Mr Jack McConnell): We want 70 per cent of the Scottish population to have access to affordable broadband by March next year. We are spending £24 million to accelerate access. On Monday, I announced the upgrade of telecoms exchanges in Buckie, Dingwall, Forres, Fort William, Nairn and Oban. In one stroke, that almost doubles broadband coverage in the Highlands and Islands. I think that that is welcome.

Rhona Brankin: I welcome the First Minister's response. In his move to increase access to broadband, will he take account of the need to upgrade telephone exchanges on the periphery of our cities? I am thinking particularly of the exchange in Loanhead in Midlothian, which covers Scotland's biggest biotechnology cluster and world-class engineering firms such as MacTaggart, Scott and Co. Does he agree that such firms, which provide high-skilled jobs to hundreds of people, need access to broadband if they are to prosper and fulfil their potential?

The First Minister: Access to broadband is important for local communities, for jobs and for Scotland's local economies. Recently, we have allowed the market to make progress, but we need now to intervene and to secure further

development. That is what we are trying to do. I hope that access will be available in many more areas in the next few years.

David Mundell (South of Scotland) (Con): On Monday, the First Minister announced developments with the pathfinder project in the Highlands and Islands. Will he confirm that he is satisfied that no competition law, regulatory or European Union state-aid constraints will prevent the benefits that accrue from the pathfinder project from being rolled out to businesses and individuals in those areas?

The First Minister: Yes, I am convinced that that is the case.

Emergency Planning (Support)

4. Stewart Stevenson (Banff and Buchan) (SNP): To ask the First Minister what additional support is being given to local government emergency planning officers to assist in responding to emergencies following the relocation of military personnel from Scotland. (S1F-2575)

The First Minister (Mr Jack McConnell): Emergency planning in Scotland is kept under constant review to ensure that Scotland is able and ready to deal with any emergency that might arise. When circumstances change, plans are adjusted by those who are responsible for them.

Stewart Stevenson: In an earlier answer, the First Minister said that several exercises had taken place in councils throughout Scotland. I understand that most of them were desktop exercises. I draw the First Minister's attention to the fact that the budget for emergency planning in local authorities is only just over half what the Executive spends on advertising. Does that not show that the Executive's electoral future has a higher priority than the safety of people throughout Scotland?

The First Minister: Apart from the fact that additional funding is available for emergency planning, quite frankly that was a silly question. It is nonsense to suggest that the Executive's road safety advertising and other such advertising has anything to do with the election. To say so demeans Stewart Stevenson and others who make that argument.

Dorothy-Grace Elder (Glasgow) (Ind): In the event of war with Iraq, has the national health service in Scotland made plans for the hospitalisation of wounded troops?

The First Minister: We all hope that that situation will not arise. If it does, Scottish hospitals will, as Dorothy-Grace Elder can imagine, play their part in providing the appropriate services that are needed as part of the national health service across the UK.

Housing Stock Transfers (Investment)

5. Mr Murray Tosh (South of Scotland) (Con): To ask the First Minister what initiatives the Scottish Executive proposes to promote further local authority housing stock transfers to allow further investment into the public housing sector following the recent successful transfers in Glasgow and the Borders. (S1F-2593)

The First Minister (Mr Jack McConnell): The successful transfers in Glasgow and the Scottish Borders and the forthcoming transfer in Dumfries and Galloway demonstrate the success of the current policy. In her statement to the Parliament last November, the Minister for Social Justice said that she would consider how we could further encourage local authorities to consider transfer. An announcement on that subject will be made shortly.

Mr Tosh: Does the First Minister accept that whole stock transfer may not be an attractive option for many of the remaining councils—I think that Argyll and Bute Council is the only council that is still in the queue—or for tenants in council areas where the housing stock has generally been well maintained? Does he agree that partial stock transfers could generate much-needed investment for specific estates?

Will the First Minister give a commitment, perhaps in the impending announcement, that it will be possible for Scottish councils to have the Treasury support that I understand is now to be made available to English councils to redeem overhanging debt in relation to partial stock transfers? Is the Scottish Executive willing to pilot arm's-length management projects that might allow existing public sector stock to be upgraded, but off the public sector balance sheet?

The First Minister: I think that Margaret Curran has made it clear that she is keen to look at a range of different options. As she will shortly be publishing a consultation paper on the matter, it would be wrong of me to pre-empt that. I emphasise today that the changes to local authority capital borrowing powers, particularly in relation to housing, will make a difference, as will the range of options that are to be made available to local authorities, which will increase their freedom to invest in their local stock. That is a good thing and I look forward to its happening over the next two years.

Jackie Baillie (Dumbarton) (Lab): I am sure that the First Minister agrees that the proposals in Argyll and Bute for whole stock transfer into community ownership are welcome, not least because they will provide significant, much-needed investment to improve the quality of people's homes. However, will he take on board the fact that the cost of construction is higher in

rural and island communities because of a shortage of skilled labour? Will he take account of that additional cost in arriving at a valuation for transfer?

The First Minister: Discussions are taking place with Argyll and Bute Council on that matter. It would be wrong of me to intervene in public at this time. I hope that the discussions continue to be productive. I am sure that they will reach a satisfactory conclusion. If they do, the benefits for the people of Argyll and Bute will be there to be seen.

Mountain Rescue

6. Rhoda Grant (Highlands and Islands) (Lab): To ask the First Minister what the Scottish Executive is doing to support mountain rescue. (S1F-2580)

The First Minister (Mr Jack McConnell): Mountain rescue teams play a vital role in Scotland. On Sunday, I announced that we will be making a contribution of around £300,000 towards the modernisation of their radios. More general funding for mountain rescue teams is currently provided by police forces. We are in discussion with mountain rescue representatives and the police about those arrangements in order to ensure appropriate levels of funding for mountain rescue in the future. On Sunday, I gave a commitment to the Cairngorm mountain rescue team that I would reach a decision on the matter by the autumn, if I am fortunate enough to be in a position to do so.

Rhoda Grant: I welcome the funding that the First Minister has announced. It is worth noting that the request for that funding was made to my colleague Peter Peacock when he was in Inverness as part of the public consultation on the Scottish Executive budget. That shows that the public can influence Scottish Executive funding. I am also pleased that the First Minister will look at revenue funding for the mountain rescue and—

Members: Question.

The Presiding Officer (Sir David Steel): We need a question.

Rhoda Grant: I would very much ask him—*[Laughter.]* Will he look sympathetically at the mountain rescue teams' plea? The issue is about safety. If members of mountain rescue teams do not have the equipment that they require when they go into the hills, their lives could be put at risk.

The First Minister: I was not aware that the suggestion had come from the budget meeting in Inverness. If that is the case, it shows the benefit of having such consultations and listening meetings.

I am well aware of the seriousness of the issue and it is regrettable that some members on the nationalist benches think that it is funny. Safety on our Scottish mountains and hills is critical to the tens of thousands who use them every weekend and to our tourism industry. I intend to take up two issues that were raised with me on Sunday. The first is on-going revenue funding, which is about £60,000 a year for Scottish Mountain Rescue. That looks as though it is insufficient. Secondly, mountain safety provisions are required. At the moment, such provisions receive low-level funding from sportscotland without input from any other public agency. We could be doing better on both issues and I look forward to resolving matters in the months ahead.

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): As someone who served on a mountain rescue team for the best part of two decades, I am aware that not all mountain rescue team members have a radio handset. Will the First Minister undertake to ensure that, when the new frequency comes in, every member of every rescue team in Scotland will be properly equipped with a handset?

From what he has said, the First Minister is aware that the key problem is core funding. Will he acknowledge that we are receiving a magnificent service on the cheap from a group of people who, according to health and safety rules, should be equipped more frequently with new ropes, harnesses and other equipment? That aspect in particular increases the need for a proper level of budgeting for our rescue teams. Will he provide that level of support to our rescue teams in Scotland?

The First Minister: I am pleased that Mr Ewing takes the matter seriously. I hope that he will criticise his party—the Scottish National Party—for criticising the fact that I visited the Cairngorms and spoke to the rescue team to find out about the subject. Serious issues need to be addressed and the best way of doing so is to talk to the rescue teams. As a result, we now have a better picture of what is involved—

Dr Winnie Ewing (Highlands and Islands) (SNP): We did not criticise the First Minister.

The First Minister: I am afraid that that is simply not true. Yesterday, the SNP issued a statement condemning the fact that I visited Aviemore on Sunday and made an announcement. The mountain rescue teams have welcomed the announcement, which is good for Scotland. If I have to go to Aviemore to make such announcements, I am very happy to do so.

The Presiding Officer: Before I move to the business motion, I should advise members that

the Presiding Officers consider it likely that decision time may take place substantially earlier than 5 o'clock. Everyone should be forewarned.

Business Motion

15:33

The Presiding Officer (Sir David Steel): The next item of business is consideration of Parliamentary Bureau motion S1M-4019, in the name of Patricia Ferguson on behalf of the Parliamentary Bureau. I see that Euan Robson is not here. In that case, I ask Patricia Ferguson to move the motion.

Motion moved,

That the Parliament agrees that, during the Stage 3 proceedings on the Dog Fouling (Scotland) Bill, debate on each part of those proceedings shall be brought to a conclusion by the time-limits indicated (each time-limit being calculated from when Stage 3 begins and excluding any periods when the meeting of the Parliament is suspended)—

Amendment 1 – no later than 30 minutes

Motion to pass the Bill - no later than 1 hour—[*Patricia Ferguson*].

Motion agreed to.

Dog Fouling (Scotland) Bill: Stage 3

15:35

The Deputy Presiding Officer (Mr George Reid): The next item of business is stage 3 consideration of the Dog Fouling (Scotland) Bill. For the first part of the stage 3 proceedings, members should have copies of the bill as amended at stage 2, and copies of the marshalled list that contains the single amendment that has been selected for debate. I shall allow an extended voting period of two minutes for a division following the debate.

Section 8—Request for hearing

The Deputy Presiding Officer: I call Mr Keith Harding to speak to and move amendment 1.

Mr Keith Harding (Mid Scotland and Fife) (Con): Section 8 makes provision for the recipient of a fixed-penalty notice to request a hearing in respect of the offence to which the notice relates. The local authority, on receipt of a timeous request, is required to notify the procurator fiscal and, on receipt of that notice, the procurator fiscal will decide whether to initiate criminal proceedings.

Section 12 makes provision for withdrawal of a fixed-penalty notice. A notice can be withdrawn only when it is determined that an offence was not committed, or that the notice ought not to have been issued to the person named as the person to whom it was issued.

During stage 2, Iain Smith asked that consideration be given to ensuring that local authorities and the police can withdraw a fixed-penalty notice when a request for a hearing is received and the request discloses information that is sufficient to allow the notice to be withdrawn under section 12. Iain Smith was concerned that, as the bill is currently drafted, the only action that a local authority could take on receipt of a notice requesting a hearing would be to notify the procurator fiscal, even in cases where information was included that would allow the notice to be withdrawn. The effect of that would be to create unnecessary work for the procurator fiscal in considering cases in which the penalty notice should not have been issued.

I am grateful to Iain Smith for that observation, because one of the aims of my bill is to reduce the burden on procurators fiscal. I am pleased to move amendment 1, whose effect is to allow a notice to be withdrawn under section 12, as long as it has not been notified to the procurator fiscal, in which latter circumstance it would remain for the

procurator fiscal to determine whether proceedings should be initiated.

I move amendment 1.

Tricia Marwick (Mid Scotland and Fife) (SNP): Amendment 1 is a wise and welcome amendment. I think it appropriate that the Parliament should commend Keith Harding for his willingness to consider amendments at stages 2 and 3. As he pointed out, amendment 1 was lodged to address some of the concerns that Iain Smith expressed during stage 2.

Keith Harding has co-operated with members of the Local Government Committee and has shown his commitment to ensuring that the concerns that were raised in the committee's stage 1 report have been addressed. The passage of his bill is a model of how legislation should be advanced through the Parliament, and the Executive has a lot to learn from the progress of the bill. Specific concerns were expressed at stage 1 and the promoter of the bill showed great willingness to listen. That is a model of how legislation should be considered by the Parliament. The bill has been considered thoroughly by the Local Government Committee and by Parliament through all its stages. It is not surprising that there is only one amendment today, because so much good work has been done at earlier stages, both by Keith Harding, who had the support of the Executive, and by the non-Executive bills unit.

Iain Smith (North-East Fife) (LD): I am not sure that we actually needed the business motion for today's debate, because I do not think that any of us intends to speak for up to 30 minutes on any of the matters that are before us.

I welcome amendment 1. It is, as Keith Harding said, a response to a point that I raised at stage 2, which came in turn from matters that were highlighted in the stage 1 debate. I was slightly concerned that there did not appear to be a procedure to trigger the withdrawal of a fixed-penalty notice under section 12 where a request for a hearing had been made. It seems to me to be eminently sensible that local government officers will be able examine a request for a hearing and consider the reasons for it. If they accept that a notice has been issued to the wrong person, that the person to whom the notice was issued gave the wrong name, or that the person to whom it was issued has a legitimate claim to be an exempt person under earlier sections, local government officers should be able to withdraw a notice. It is sensible to allow for that, and amendment 1 is much more succinct than was my earlier suggestion. I am grateful to Keith Harding for taking my concerns on board and for lodging the amendment.

I take issue with some of Tricia Marwick's points, which were unnecessary at this stage. Keith

Harding has done a great deal of work on the bill, but the Local Government Committee and the Executive have always worked together to improve bills. That is a testament to the Executive and the members of the Local Government Committee throughout the lifetime of the Parliament. I commend Keith Harding's handling of the bill.

Mr Kenneth Gibson (Glasgow) (SNP): I, too, welcome amendment 1. It is important that all legislation that is introduced should be enforceable. Keith Harding's eminently sensible amendment will make the bill work more effectively. I am sure that many members have been approached at public meetings by constituents who have mentioned dog fouling. I was often confronted by the issue when I was a councillor and on many occasions the police mentioned their powerlessness in dealing with it, given that they had so many other issues to deal with. The amendment has been produced with support from the Local Government Committee and has cross-party support. If the amendment is agreed to, it will go a long way towards making the bill more effective, which is what we all want.

The Deputy Minister for Finance and Public Services (Peter Peacock): I will be brief, because Keith Harding has set out the reasons for amendment 1 and the changes that it will make to the bill. There is little point in procurators fiscal being involved unnecessarily in cases in which the local authority considers that there is no case to answer, which was Iain Smith's point at stage 2. I am pleased that Keith Harding has lodged amendment 1, which the Executive supports.

John Young (West of Scotland) (Con): Peter Peacock mentioned procurators fiscal, which brings to mind an event in Paisley some years ago. A retired police inspector from that area told me that, when he was a constable, various pieces of legislation on litter were introduced. One of the first cases to go to the courts in Paisley under that legislation involved a youth who had dropped a fish and chips bag that was saturated with vinegar. The police told him to pick it up, but he refused and was charged. When the youth appeared in court, the magistrate asked for the evidence, but the police said that they could not produce it and had not brought it because it had been saturated with vinegar. The magistrate dismissed the case. I add as a caveat that I hope that no magistrate will ask for the evidence in cases arising from Keith Harding's bill.

Ms Sandra White (Glasgow) (SNP): I support amendment 1, which is eminently sensible. The Local Government Committee had a large discussion about the possibility of procurator fiscal offices being clogged up. The amendment makes a lot of sense and will bring clarity to the bill. I am

pleased that Keith Harding, who said at stage 2 that he would be happy to accept such an amendment, has accepted it with such good grace. I also welcome the minister's accommodating attitude. As Keith Harding said, Peter Peacock was forthcoming and helpful when he was asked to consider various amendments. I also thank the non-Executive bills unit for providing such clear amendments. I am sure that the bill will be good legislation.

I support amendment 1.

Amendment 1 agreed to.

Dog Fouling (Scotland) Bill

The Deputy Presiding Officer (Mr George Reid): The next item of business is a debate on motion S1M-3866, in the name of Keith Harding, that the Dog Fouling (Scotland) Bill be passed. I call Keith Harding to speak to and move the motion. [*Laughter.*]

15:44

Mr Keith Harding (Mid Scotland and Fife) (Con): In my maiden speech, I welcomed a new addition to the Conservatives, in the form of a granddaughter. I hope that members will join me in welcoming a further addition to the Conservatives, in the form of Jamie McGrigor's and his wife Emma's daughter, who was born a few hours ago.

Tricia Marwick (Mid Scotland and Fife) (SNP): I am sure that all members add their congratulations. Is that a Conservative gain from labour?

Mr Harding: I do not think that we do that sort of thing. I trust that members will forgive me if I seek to avoid any more unfortunate references to motions and movements. There has been quite enough bad punning from colleagues in earlier debates on the bill.

On a serious note, I emphasise the fact that it is a serious bill about a serious subject. Dog faeces is no laughing matter; it is a perennial problem that is displeasing to see, disgusting to smell and most unfortunate of all to discover under foot. It is not only a great nuisance; it can be dangerous in health terms, especially to our children, to users of manual wheelchairs, to the elderly and to pregnant women. I thank Richard Simpson for outlining in detail at stage 1 the very serious health problems that dog fouling can cause.

It is Oscars time, so I wish to express my utmost gratitude to a number of people. I thank Trish Godman for ably overseeing the Local Government Committee's considerations at stages 1 and 2; the committee clerks, who have been as industrious as ever; all the witnesses and consultees, without whose input the bill could not have happened; the minister, for taking a refreshingly constructive approach; and Executive officials, whose expertise was useful. I must also mention the non-Executive bills unit—David Cullum, Alison Campbell and Ruaraidh Macniven—whose support and advice throughout the passage of the bill has been unstinting and invaluable. I also thank my researcher, Alison Miller, whose enthusiasm and diligence made a huge contribution to the bill.

Co-operation has been a byword for the bill, and I am thankful to all those who have been involved

with it for working in that spirit. I hope that the development of my bill might even be a model for future cross-party and joint Parliament and Executive working, and for the way in which we develop proposals for members' bills. For the record, I note the assistance of the minister, Peter Peacock, who was supportive throughout the process and whose informal focus group took a careful look at the issues. I do not want to appear gushing, but I believe that my bill is an exemplar of the way in which members can, with the assistance of others, introduce sensible and workable legislation. The input of all the individuals and organisations that I have name-checked has helped to produce a practical and well-crafted bill. I would say that, of course, but there are many others who are possessed of discernment and objectivity who agree.

So—what will my bill do? In essence, it will provide local authorities and police constables with an alternative means of enforcement and will change the law so that the offence will no longer be the act of nature but the owner's failure to clean it up. It is essential that education work in tandem with implementation of the new law, and the minister's announcement of £100,000 of funding for that purpose is most welcome.

The sensible approach to the problem of dog fouling must be one of cultural change by challenging attitudes and changing behaviour. Dog owners should pick up wherever their dogs foul; that is both the context of my bill and its core. When that message gets through, we will finally be able to say that we have dealt with a problem that has vexed councillors and council officers for many years. The timeline of my bill has not been quite as long as that, although to some it might seem to have been so. I first lodged the proposal in June 2000; I lodged a fresh proposal in January 2001 and carried out extensive consultation between March and June 2001.

Jackie Baillie (Dumbarton) (Lab): Will the member take an intervention?

Mr Harding: I give way to my former jousting opponent.

Jackie Baillie: I know that, as part of that consultation, Keith Harding visited the Community Dog Management Centre at Alexandria and is aware of the very valuable work that is undertaken there in helping dog owners to learn about their responsibilities. Based on that knowledge, does he agree that education of, and raising of awareness among, dog owners will help to promote responsible behaviour, and that preventive models of that nature should be encouraged throughout Scotland?

Mr Harding: I agree totally with Jackie Baillie. I visited that centre during the consultation period

and I was really impressed with the service that it provides. It should be congratulated and it is a benchmark for similar organisations to follow. I also congratulate the centre on the fact that it recently achieved charitable status.

The fact that dog fouling is a considerable problem—a scourge, even—in our communities was stated at stage 1 by the Royal Environmental Health Institute of Scotland. We also heard evidence from the Convention of Scottish Local Authorities, which estimated that local authorities spend £500,000 a year dealing with the problem. However, for all its evident unpleasantness and its obvious social and economic costs, one finds excrement everywhere: on our pavements; in our public parks, playing fields and playgrounds; next to our schools; and outside our homes. Excuse my language, Presiding Officer, but it is time to cut the keech.

I recall from stage 1 that Mike Rumbles expressed, albeit a little mischievously, his worry that his dog walks in the country might be interrupted by zealous officials who would be hot on the trail of dog-fouling culprits. He is, if he will forgive me the pun, barking up the wrong tree. The scenario that Mike Rumbles posed rather reminded me of the film “Whistle Down the Wind”, in which Alan Bates played an escaped convict who was forced to hide out in a barn from his pursuers. It is an amusing image, but if Mr Rumbles seriously thinks that that is what my bill will do, I suggest with all respect that he is whistling into the wind.

John Young (West of Scotland) (Con): A problem will arise—which I have experienced when I have had dogs—because of not enough poop scoops being on sale. I am serious about that point. I went to three shops in which I thought I would find poop scoops, but I could not get one. I wonder whether local authorities and retail outlets could be persuaded to sell poop scoops because, when the bill is enacted, an awful lot of poop scoops will be required.

Mr Harding: Many councils provide poop scoops free of charge. My council in Stirling—perhaps I should declare an interest—certainly does so. However, I believe that we can utilise plastic carrier bags, which is what I do. I know that many others do, too. I agree that there might be a larger market for poop scoops, so perhaps enterprising pet shops will start to stock them.

Such levity takes us to the heart of the matter because the bill is not about where dog owners can or cannot allow their dogs to excrete; it is about dog owners taking responsibility and cleaning up after the act. We want to win back our public spaces for everyone: residents, workers, shoppers, walkers, joggers, dog owners themselves, footballers, cyclists, sunbathers—why, even Liberal Democrats.

It is often children who are most affected by the blight of dog fouling. Pupils from Edinburgh’s Sciennes Primary School appeared on the “Scotland Today” programme a few years ago and talked about their experience of the Meadows in Edinburgh. They said:

“We went down to our play area and found 127 piles of poo. It has gone on long enough. It makes us angry. People let their dogs foul and do not clean up. Something has to be done.”

Brian Adam (North-East Scotland) (SNP): Keith Harding referred to piles of dog poo. Dogs suffer from digestive problems, just as humans do. How does Mr Harding suggest that those who will be responsible for enforcing action should deal with circumstances where, shall we say, the piles are not very solid? [*Interruption.*] Does Mr Harding envisage a sensible approach by those who will be responsible for enforcing action, in terms of the bill, in circumstances where dogs are not all that well and the owners might have difficulty in being sensible?

The Deputy Presiding Officer: Right—we take the point.

Mr Harding: Perhaps Mr Adam should ask the question of his colleague Stewart Stevenson, who proved yesterday that he was the expert on slurry. However, I suggest that Mr Adam should read the bill, which has an exemption for dogs that have diarrhoea.

I am a doggy person and I make no bones about that. My best friend is a boxer called Tika.

Trish Godman (West Renfrewshire) (Lab): What does Mr Harding’s wife think of that?

Mr Harding: She welcomes it.

When Tika hears the rustle of a carrier bag, she does not think that it means food; she knows that it is time for a walk.

I am a member of the cross-party animal welfare group and I was once the owner of a pet shop. The bill is not an anti-dog bill and, when enacted, it will not impinge on the majority of dog owners, who are responsible and already clean up after the inevitable. Ultimately, it is my bill’s aim to raise awareness of the issues that exist around dog fouling and to encourage responsible dog ownership.

To that end, I reassure the Kennel Club that its members will not be “hounded”—please note that the pun is the Kennel Club’s, not mine—because of my bill. The bill addresses the very mess that can generate anti-dog feeling among some people. It is not about penalising the great number of responsible owners who go about their business—and, indeed, allow their dogs to do their business—suitably armed with a poop scoop.

Some in the press—I see that there are none here now—might consider dog fouling not to be a serious issue and my bill to be a waste of time. I offer them no apology, for I believe strongly that we as a society have an obligation to deal with that unpleasant, malodorous and potentially hazardous problem. I know from the unanimous support in the stage 1 debate that other members feel the same way. Certainly, those of us who were councillors for more years than we might care to remember know well what the public say about it—I did say “it”, Presiding Officer. In fact, a survey of public attitudes to the environment that the Executive published last November showed that 79 per cent of us believe that dog fouling is a big problem and 73 per cent of us believe that financial penalties would be a good means by which to reduce it. That is something for the sceptics to ponder.

When people complain about dog fouling, as they frequently do, they do so to their local authority. There exists an understandable expectation that councils can deal with it; however, as the law stands, they cannot. Only the police can take action and they, of course, have other things to do. That situation is unsatisfactory and frustrating, but my bill will bring powers of action back to the local authorities and enable them to address better the concerns of the communities that they serve.

That is not to say that I believe that our role is to interfere in an issue that is largely for local authorities to deal with: I do not. However, it is our duty to ensure that powers exist for authorities to use and that those powers are used in the public's best interest. If there is a local demand to address dog fouling in a particular area, my bill gives councils the means to do so quickly, effectively and cost-efficiently.

At the end of my stage 1 speech, I borrowed some of Clint Eastwood's words from “Dirty Harry”. At this final stage, I find myself unable to resist quoting a line from Robert De Niro in “Taxi Driver”: I suggest that my bill will take us a considerable way towards being able to

“wash all this scum off the streets”.

Also at stage 1, Bruce Crawford said that I was in danger of being known as Mr Keech Harding. I even received a jocular suggestion from my American son-in-law that I adopt the title “crapper controller of Scotland”. I suppose that I should be grateful that nobody has called me the “Poo Meanie”, although I note that somebody has rather unkindly described me as the “scourge of the turd”. It is a dirty job, as they say, but if my bill can make a difference to the everyday lives of people in Scotland—I believe that it can—I am willing to take the flak.

With great pleasure, I move,

That the Parliament agrees that the Dog Fouling (Scotland) bill be passed.

The Deputy Presiding Officer: Further to Sir David Steel's earlier announcement, to our surprise, 12 members have asked to speak in the debate, which means that decision time will be a little later than Sir David indicated.

15:58

The Deputy Minister for Finance and Public Services (Peter Peacock): I am struck by the contrast between the scale of the international events that we discussed this morning and the subject that we are moving to in the afternoon. I do not wish in any way to overstate the bill's importance, but equally I do not want to understate it. The bill is very important. We are dealing with a practical, day-by-day concern for many individuals and families the length and breadth of Scotland. The bill should not be diminished because of the subject matter with which it deals.

I congratulate Keith Harding on having got the bill to stage 3 today. That is testimony to his hard work over many months—in fact, years—and his willingness to co-operate and try to encompass the Executive's policy objectives in the bill.

I also congratulate the bill team at the non-Executive bills unit that has worked with Keith Harding. I said at stage 2 that, of all the bills with which I have dealt, the bill is the most crisply written—its good language is easy to read. It is an example of how bills ought to be drafted.

The bill is also a good example of what can be achieved when parties work together on issues on which there is no political difference, but on which there is practical concern in communities throughout Scotland.

Keith Harding has already paid tribute to many who have supported him. I take the opportunity to put on record my thanks to the Local Government Committee for its consideration of the bill. I also thank the informal focus group that the Executive established with local government officials, which Keith Harding mentioned and whose contribution greatly assisted us in drafting the bill, from the Executive point of view.

I am sure that we can all recall examples of problems caused by dog fouling, either that we have experienced personally or that have been brought to our attention by constituents. I think that I mentioned during the stage 2 consideration of the bill that in my earlier days I became involved in my community and was the editor of the local community magazine. My first editorial covered the subject of dog fouling. I was then the father of two very young sons who had—if I can put it this

way—practical experience of the problem. It has taken more than 25 years to get to this point. On a personal level, I am delighted to see the progress that has been made.

I recall that the day after a journalist criticised the bill and the Parliament for dealing with it, the Executive solicitor working on the bill—who has a young family—testified how important the bill would be in helping her and her family with the problems in her street.

As Kenny Gibson said—and as many former councillors in the chamber will know—dog fouling is one of the issues that has been most frequently raised with councillors over many years. Keith Harding's bill will go a long way to helping to provide practical ways of dealing with the problem.

It was clear that the existing legislation was not proving to be particularly effective in tackling the problem of dog fouling. In conducting our own review of the existing policies, the Executive's conclusions were broadly in line with those covered by Keith Harding's proposed bill. Consequently, as I have said, we worked our way through the bill's proposals and agreed the principles that should be contained in the bill prior to its introduction.

I will not repeat the details of the bill; Keith Harding has done that and they are well known to the Parliament. However, although the legislation is important, it is not all that is required. The education of dog owners is also required. We must seek to encourage that education.

As I indicated to the Local Government Committee in November when the issue of education was raised, we will undertake a national publicity campaign to coincide with the implementation of the bill.

The purpose of the campaign will be twofold: to inform the public of the new legislation, which is important in itself because of the obligations that will exist under it; and to emphasise the importance of responsible dog ownership in relation to dog fouling.

I will write to the Local Government Committee in due course to set out the details that they requested of that campaign. We will also work with local authorities in the course of the campaign; they will have a big opportunity to make a contribution to it.

The Executive has supported the principles of the bill from the outset and it has worked with Keith Harding to ensure that more effective provisions were introduced in the course of its passage. I am delighted that Keith Harding has co-operated so clearly in that process.

Tackling dog fouling is part of our much wider strategy to improve the quality of life of people

throughout Scotland. We believe that the combination of better legislation, which the bill represents, and our publicity campaign will make a real difference to the people of Scotland.

I will conclude on a personal note. I have known Keith Harding for many years. He cut his political teeth on Jack McConnell—perhaps it was the other way round; I am not entirely sure—when they were on Stirling Council. I first got to know Keith through his involvement with Stirling Council, the Convention of Scottish Local Authorities and other organisations.

Keith Harding and I completely disagree about how society ought to be organised and how Government policies generally ought to work. However, I have always found him to be a straightforward person to work with. He is a very decent person. He tells me what he thinks forthrightly and I have always enjoyed the relationship that I have had with him on that basis.

I say to him genuinely that he can be very proud that he has got the bill through Scotland's first Parliament. He is the only Tory who will have piloted a bill through this Parliament, albeit with all-party support. I genuinely and very warmly congratulate Keith Harding on his achievement. I urge all members to join the Executive in supporting his bill.

The Deputy Presiding Officer: I must finish the debate by 16.35; I will therefore keep members to a tight time limit from now on.

16:04

Tricia Marwick (Mid Scotland and Fife) (SNP): I repeat my congratulations to Keith Harding on his tenacity, not only in seeing his member's bill through to this stage, but in convincing the Executive to support it throughout.

I also congratulate Trish Godman and the Local Government Committee clerks on their unstinting work on the bill.

Dog fouling is not only about the mess on streets and parks; it is also about our quality of life. There are approximately half a million dogs in Scotland and they produce 80 tonnes of excrement a day. Dog fouling is not only unsightly, but a health hazard—I am sure that we were all grateful to Richard Simpson at stage 1 for outlining exactly what the hazards are. I am unable to repeat some of the words that he used, because they were medical words. The problem is stressful for those who have to live with it, and it costs councils money to clean the dog mess up. The existing legislation is simply inadequate to tackle dog fouling.

Andy Kerr and I had an exchange at stage 1 about who cleans the boots or the wellies. I had

come to the conclusion that that was the man's role. Since then, I have been inundated with e-mails from women saying that I am absolutely right: it is something that the men do. Instead of going out and grabbing animals and bringing them back for food, these days the men of our households are cleaning dog poo off wellies.

It is a serious matter. Many trips to parks or play parks have been ruined by dog mess getting on children's feet. The key to the proposed legislation lies in redefining the offence, from one of allowing a dog to foul to failing to clear up after the dog has fouled, while giving powers to local authorities to appoint officers. The new approach could also be applied to other legislation that needs to be introduced in future, including legislation to tackle littering.

I am sure that Keith Harding would agree that, had the Executive not supported the Dog Fouling (Scotland) Bill, we would not be holding today's stage 3 debate. As we come to the end of our four-year session, members of all parties should reflect on the fact that no member's bill has succeeded in becoming an act without the overt support of the Executive throughout its scrutiny, perhaps with the exception of the Protection of Wild Mammals (Scotland) Bill. That is a matter of serious concern, and we need to consider that.

I congratulate Keith Harding again. The Dog Fouling (Scotland) Bill is an important piece of proposed legislation. The Parliament is a legislature, and it is right that we put the legislative framework in place to allow local authorities to tackle the problem.

16:07

Bill Aitken (Glasgow) (Con): Not a great deal more requires to be said on this matter. It has been well handled from the bill's inception. It will be a worthwhile piece of legislation, carefully conceived by Keith Harding and well handled by the Local Government Committee, with constructive input from the Executive and equally constructive input from the other parties, from stage 1 to today.

It is easy to make witty, humorous remarks on this issue, and we have heard many throughout our discussions on the bill, not least the Presiding Officer's introduction earlier today. This is a fairly serious issue, however, and Richard Simpson underlined the very real hazards associated with dog waste. Aside from that, we recognise the unpleasantness of the problem.

One of the great advantages of the bill is that, although it will be seldom used, it will increase awareness among the dog-owning public. It is imperative that dog owners act responsibly. The vast majority of them happily do so but, sadly, an

irresponsible minority do not. The fact that the bill will shortly be on the statute book will have a positive effect in encouraging those who do not maintain the standards that we expect of them.

The new legislation will be seldom enforced, and enforced with sensitivity. At stage 2 I raised the point that there would be a degree of difficulty with regard to legal proceedings arising from the bill, not least with regard to the rule of best evidence. If a degree of common sense is applied, however, such difficulties should simply not arise.

I commend the bill to the Parliament, and add my thanks to all those involved with the bill to those of Keith Harding. In particular, I praise Keith for having the imagination, and indeed the courage—on a matter that could have been treated as a little bit risible, although the bill in fact has serious content—to introduce the bill and to see it through from start to finish.

16:10

Iain Smith (North-East Fife) (LD): One of my more observant colleagues noted that when we last debated the Dog Fouling (Scotland) Bill we again debated the issue of Iraq on the same day. That is a rather unfortunate coincidence.

The media may think that this is a trivial matter, but it is not a matter of no great importance to the public. It is important that the Parliament should deal with minor as well as major issues when they affect the public.

Anyone who has been a local councillor will know how concerned the public are about this problem. Dog fouling was raised at every community council meeting that I attended in my 17 years as a councillor. I do not believe that any person who has gone out of doors anywhere in Scotland has not literally walked into this problem at some point.

Existing legislation has proved completely inadequate for dealing with the problem. For many years, it has been the policy of the Liberal Democrats to replace that legislation with provision for spot fines for offences such as dog fouling. I am glad that Keith Harding picked up the issue and has pursued it with tenacity through the Parliament. During this session he has worked hard to progress the bill. He was responsible for conducting a consultation on the bill and for introducing it.

It is important to bear in mind that this is not an anti-dog bill. It is not an anti-dog-owner bill, but a pro-responsible-dog-owner bill. The bill is about promoting responsible dog ownership. It is not just about having people pick up their dog's mess, but about ensuring that dog owners are better educated about their responsibilities—as Jackie Baillie and Peter Peacock mentioned.

I fully support the bill and the motion to pass it. Thanks to the wisdom of some of his party colleagues in Mid Scotland and Fife, Keith Harding may not be with us in the next session, but at least he will be able to take away something positive that he has done for the benefit of the people of Scotland. I am glad that he will join me in the select band of MSPs who have succeeded in getting a member's bill through the Parliament.

I thank all members who have been involved in the scrutiny of the bill. In particular, I thank Keith Harding for getting this small, but important piece of legislation on to the statute book.

16:12

Trish Godman (West Renfrewshire) (Lab): I, too, congratulate Keith Harding on getting the bill through the Parliament. Because this is the last piece of local government legislation that the Parliament will consider in this session, I take the opportunity to thank all members of the committee, past and present, the committee clerks, the Scottish Parliament information centre, the official report and the Parliament's security staff for all the support that they have given to the committee and to me over the past four years.

As other members have said, dog fouling is not simply an irritant caused by selfish dog owners, but can be a serious health hazard, especially for young children. Many speakers have pointed out how often this issue is raised at councillors' surgeries. Many of our roads and parks are covered in dog dirt. The public want those areas and children's areas to be free of such mess.

Existing legislation is clearly not working, as signs informing the public of penalties are ignored. However, signs can be confusing. I am reminded of an acquaintance who lives in New York and has a dog. In New York, people have to clean up after their dogs, so my acquaintance goes out every day with his little bag and does so. When his brother Mark came to visit, he said that he would look after the dog for a week and clean up after it. At the end of the week, when the brothers were out together for a walk in Central park, Mark picked up the dog's mess and put it in a box. When his brother asked why he had done that, Mark said that he was putting the dog dirt into the box that was there for the purpose. His brother replied that he was in fact putting it into the US mailbox. Signs can be very confusing.

I believe—and the Local Government Committee agrees—that education is paramount. There was unanimous support for that position in the evidence that we received. In written evidence, the Royal Environmental Health Institute of Scotland argued in support of an amendment that would have required local authorities to engage

staff in an educational role. However, the committee felt that that was overly prescriptive. The Convention of Scottish Local Authorities gave examples of current good practice in one council, which issued standard letters to the occupiers of a housing estate outlining their responsibilities and highlighting the health risks of their behaviour. That approach had some success, but other evidence made it clear that we had to legislate to place a duty on councils to respond to this problem.

The Scottish Kennel Club agreed that education was important. However, it suggested that local authorities should use the knowledge and expertise currently available to ensure that educational programmes are targeted and appropriate. I believe that we have to teach in schools, we have to have adverts and we have to inform the public clearly of our proposals.

At some point in the future, all dogs might be licensed, but I think that that is some way away and will be for a new Parliament. The change of emphasis in the offence from allowing a dog to foul to the offence of not picking up afterwards is important. Education through schools and public information, fixed penalty notices, local authority officers able to issue such notices and the removal of corroboration, which are all part of the bill, will have a positive impact on improving the quality of life of people in Scotland. Keith Harding must be congratulated once again.

The Deputy Presiding Officer: From now on, speeches should be of three minutes maximum. There is far too much noise in the chamber. If members want to lobby, they should lobby outside please, not in the chamber. We have until 16:35.

16:16

Mr Kenneth Gibson (Glasgow) (SNP): I am pleased to speak in this debate as I was the first member to sign Keith Harding's bill proposal after it was published. I thank him for introducing the bill, which will obviously be passed today. I congratulate Jamie McGrigor on the birth of his new child, Viagra. It shows that there is still lead in that old pencil yet.

As we know, there are 0.5 million dogs in Scotland today and 80 tonnes of excrement are currently laid on the pavements and parks of Scotland. This innovative and positive bill will help to tackle that problem by dealing with people who fail to clear up their dog's mess, rather than those whose dogs foul.

Many of us who have young children are disgusted when we go into parks and see widespread distribution of dog faeces on our green spaces. Trish Godman touched on the health aspect. As those who have been following the

progress of the bill know, some 300 children a year are blinded through toxocariasis spread by faeces. It is therefore important from a health and safety point of view, as well as from an aesthetic point of view, that the matter is dealt with.

Brian Adam raised the issue of incontinent dogs. I was first alerted to that matter when one day I was walking along the Brockburn Road in Pollok and I saw something that looked as if it could have been laid only by an extinct species of dinosaur. It looked like a coprolite rather than a good old-fashioned Glasgow jobbie and was about a foot and a half long. I thought that the sooner we had effective legislation to deal with the issue, the better.

The Tidy Britain Group's attitude and awareness survey 1998 showed that dog fouling ranked alongside vandalism as the issue that most caused concern to people throughout Britain. That was echoed in a survey that was done in Glasgow in the mid-1990s, when dog fouling was classed as the third most important issue.

The issue can sometimes cause arguments between dog owners and non-owners. To quote the policy memorandum:

"Dog fouling, especially in places such as playing fields, public parks and on pavements, is generally resented by people who are not dog owners and can generate an 'anti-dog' feeling."

The bill has been treated fairly and equitably by the Executive, and the non-partisan way in which it has gone through the Local Government Committee shows exactly how the Parliament should work. I trust that the bill will make a difference in cleaning up our streets and ensuring that irresponsible dog owners are brought to book.

16:19

Dr Sylvia Jackson (Stirling) (Lab): It is difficult to say something novel, given that I am sixth or seventh down the line of speakers. However, I thank Keith Harding for undertaking a member's bill on dog fouling. One novel thing to say is that there seems to be a dispute about the introductory date. One document that I read said 11 June 2002 and the other said 26 June 2002. I am sure that Keith Harding knows which is right. That apart, the Local Government Committee gave full support to the bill and most of our discussions were about the practicalities involved, such as what happens if an offender gives the wrong name or does not give their name. The amendment that was agreed to today related to that issue.

Following on from what Kenny Gibson said, there is no doubt that the issue is important. Although there might not be as many letters about it in my mailbag as there are about litter, the two issues are closely intertwined. One of the

contributions that the bill has made is that it has provided a model for looking at the issue of litter, which is very important. When the First Minister spoke on behalf of the Scottish Executive about future policy, he said that there was a tremendous amount of support for making progress on a litter strategy. Keith Harding has made an important contribution in that regard.

As we know, the current legislation is inadequate. The change in emphasis from dog fouling to picking up dog mess will result in a much more constructive approach. In addition, as many members have mentioned, there is the vital issue of education. I wonder whether the minister might consider whether the television advertising, or whatever form of advertising is used, could deal with the litter and quality of life issues as well as dog fouling, so that the wider agenda is covered.

On the financial implications, I agree with the view of many of the Local Government Committee's witnesses that the bill will be cost neutral. In the context of the wider litter agenda, it could save us millions of pounds in the long term. I congratulate Keith Harding on an important bill.

16:21

Mr David Davidson (North-East Scotland) (Con): I congratulate my colleague of many years standing, both in Stirling Council and in the Parliament, on his dedication. He has brought through the Parliament a piece of practical legislation that will add to the quality of life in our communities. In many cases, it will allow parts of our open spaces and play parks to be reclaimed. At the moment, many people are terrified of taking their children into those areas. The atmosphere is certainly not welcoming.

When I raised a dog-fouling issue with Aberdeenshire Council two years ago, the council was very good and provided some extra dog-fouling bins and litter bins. The council officers said that they needed a change in the legislation. That was about the time that Keith Harding was introducing the bill. He sensed the mood of what was going on in councils across Scotland.

The bill is a practical piece of legislation that will enhance the image of the Parliament. I am very disappointed by the approach of the press, which has poked fun at it. I suspect that the issue will have been raised with every councillor and every MSP at some stage. Indeed, at a surgery in Laurencekirk on Monday night, I had yet another deputation about dog fouling. I explained what Keith Harding's bill would do. There was a question about when the bill would be implemented and whether councils would be resourced to do the things that they will have to do. I pointed out that the special bags were

available from the local library. No one knew that, because there is no process of education to provide such information.

Members of the deputation that visited me said that the dog-fouling bin that had been installed in a certain area was being used well—people were stopping cars and putting bags into it. However, they complained that the bin was too small and was not emptied on a regular basis. The councils will have about six months to deal with those practical aspects, because the bill will not be implemented in real terms until September, six months after Her Majesty signs it off.

It is important that people have access to all those facilities and that bins are put in the right place. The education campaign, too, is vital. I congratulate the Executive on the generous £100,000 start that it has given to that campaign. We need to kick-start the process at an early stage.

Richard Simpson gave a good description of the health problems that cross-infection can cause among young children. Other members have mentioned that.

The bill does not represent a witch hunt of dog owners such as me. It is about responsible dog ownership. We must recognise that, for many lonely or aged people, the dog keeps them sane and alive by giving them daily companionship.

Some people have said to me that people should not be allowed to have dogs unless they can look after them and that they should be made to prove their worth before being given a dog licence, but I think that that is over the top. I hope that this practical measure, which has been introduced by my friend Keith Harding, will provide us with the spur to deal with some terrible problems in society. I hope that it will help to give our play parks back to our toddlers and our playing fields back to those who wish to use them.

Presiding Officer, I will not use all my time. I simply congratulate Keith Harding on his bill.

The Deputy Presiding Officer: Mr Davidson has in fact used all his time.

I am conscious that members want to know exactly when decision time will take place, so I will make another announcement. A number of speakers have dropped off my list, so it looks like decision time will begin at 16:35 or thereabouts.

16:25

Donald Gorrie (Central Scotland) (LD): I, too, congratulate Keith Harding, who has given an excellent example of how a single member can achieve something worth while. He has withstood a great deal of ridicule and flak, but he has

persevered. Although many other people have helped him, he personally has steered the bill through. In doing so, he has shown that the Parliament can work—although we should consider Tricia Marwick's point that it will be interesting to see the first bill that gets through without Executive support. However, Keith Harding has led the way and has provided a great public service.

As other members have said, the issue that the bill deals with is important. Although it is easily ridiculed, the issue affects a great many people and is the sort of thing on which this Parliament should legislate. Although dog fouling is dealt with by councils, the existing law is entirely wrong and Keith Harding's bill is much more sensible.

The bill is the sort of bill that should trigger a parliamentary review by the relevant committee in a year or two, so that we can see whether it has worked. As others have mentioned, the implementation of the bill and the provision of propaganda, information and equipment for its enforcement are all important, because without those things the bill will have been a waste of time. The Parliament must instigate a proper inquiry into the success of such bills to see whether they work in practice. If we do that, we will have done a great service to Scotland.

16:27

Ms Sandra White (Glasgow) (SNP): The debate may not have generated as much heat as this morning's debate, and the bill may not be the most earth-shattering piece of legislation that the Parliament has produced, but we should be in no doubt that the issue is of much importance to many members of the public. Given the volume of correspondence that I and others have received on the subject, I congratulate Keith Harding on the bill. It deals with an important matter and will make life much better and safer for people in our streets and public places. The case for introducing the legislation has been well made. It will attempt to solve the problem by making dog owners responsible for their dogs.

I congratulate Keith Harding, the staff and members of the Local Government Committee and Trish Godman, who is its convener. Keith Harding has been very brave. Some newspaper reports have said that the bill, when coupled with the fact that this morning's debate was on the Iraq situation, is something to have a bit of a laugh about. I can assure members that dog fouling is not a laughing matter to the people outside. The bill shows the Scottish Parliament at its best and shows how we can all work together. The legislation will make a great difference to people's lives. Once again, I congratulate Keith Harding.

16:28

Mr Mike Rumbles (West Aberdeenshire and Kincardine) (LD): I had not realised that my questions to Keith Harding during the stage 1 debate had had such an effect, so I want to put on record the fact that it was remiss of me not to congratulate Keith Harding on introducing the bill. I think that that may have caused some confusion, especially to his colleague David Davidson.

As many members have said, the most important point is that the bill will change the offence from that of letting a dog foul to that of failing to clear up the mess. If reinforcement is needed, let me say that my constituents in Laurencekirk—I hope that David Davidson is listening—as well as those in Stonehaven and Inverbervie have come to me and commented on the bill. Keith Harding is to be congratulated, and I want to ensure that that is on the record.

16:29

Mr Harding: I thank all the members who have contributed to the debate for their kind comments.

I have very few points to address, other than Sylvia Jackson's. The act will come into force six months after royal assent, which is likely to be around four weeks after today, if the bill is passed, but that is not fixed.

I am glad that Dr Jackson mentioned that the bill is sound and is an example that the Executive might use in future. Perhaps I should consider patenting it or at least hope that I will get royalties in the future.

Having said all that, I thank everyone for their contributions today and I urge all members to support the bill.

Parliamentary Bureau Motions

16:30

The Presiding Officer (Sir David Steel): The next item of business is consideration of four Parliamentary Bureau motions. I ask Euan Robson to move en bloc motions S1M-4007, S1M-4008, S1M-4009 and S1M-4010.

Motions moved,

That the Parliament agrees that the draft General Commissioners of Income Tax (Expenses) (Scotland) Regulations 2003 be approved.

That the Parliament agrees that the draft Landfill (Scotland) Regulations 2003 be approved.

That the Parliament agrees that the draft Road Traffic (Vehicles Emissions) (Fixed Penalty) (Scotland) Regulations 2003 be approved.

That the Parliament agrees that the draft SFGS Farmland Premium Scheme 2003 be approved.—[*Euan Robson*].

Motion without Notice

16:31

The Deputy Minister for Parliamentary Business (Euan Robson): I would like to move a motion without notice to bring forward decision time.

The Presiding Officer (Sir David Steel): I am minded to accept such a motion. Is it agreed that we take such a motion?

Members indicated agreement.

Motion moved,

That, under Rule 11.2.4 of Standing Orders, Decision Time on Thursday 13 March 2003 be taken at 4.31 pm.—[*Euan Robson*].

Motion agreed to.

Decision Time

16:31

The Presiding Officer (Sir David Steel): I will allow two minutes for the first division because I realise that people are still coming into the chamber. I ask members to concentrate on what we are doing. I will put the questions on the two amendments to the amendment first.

Tommy Sheridan (Glasgow) (SSP): Speak up.

The Presiding Officer: If there was a little more hush in the chamber, members would be able to hear.

I will put the questions on the two amendments to the amendment first, followed by the questions on the amendments in the order in which they are set out in the business bulletin.

The first question is, that amendment S1M-4012.6.1, in the name of Phil Gallie, which seeks to amend amendment S1M-4012.6, in the name of Patricia Ferguson, on the international situation, be agreed to.

Amendment to the amendment agreed to.

The Presiding Officer: The next question is, that amendment S1M-4012.6.2, in the name of John McAllion, which seeks to amend Patricia Ferguson's amendment, 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)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 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)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 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)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 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)
 Peattie, Cathy (Falkirk East) (Lab)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (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, 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)
 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)
 Baillie, Jackie (Dumbarton) (Lab)
 Barrie, Scott (Dunfermline West) (Lab)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (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)
 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)
 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)
 Macdonald, Lewis (Aberdeen Central) (Lab)
 Macintosh, Mr Kenneth (Eastwood) (Lab)
 MacKay, Angus (Edinburgh South) (Lab)
 Macmillan, Maureen (Highlands and Islands) (Lab)
 Martin, Paul (Glasgow Springburn) (Lab)

McAveety, Mr Frank (Glasgow Shettleston) (Lab)
 McCabe, Mr Tom (Hamilton South) (Lab)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahon, 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)
 Scanlon, Mary (Highlands and Islands) (Con)
 Scott, John (Ayr) (Con)
 Simpson, Dr Richard (Ochil) (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

Jackson, Gordon (Glasgow Govan) (Lab)
 Livingstone, Marilyn (Kirkcaldy) (Lab)
 Maclean, Kate (Dundee West) (Lab)

The Presiding Officer: The result of the division is: For 57, Against 62, Abstentions 3.

Amendment to the amendment disagreed to.

The Presiding Officer: The next question is, that amendment S1M-4012.6, in the name of Patricia Ferguson, which seeks to amend John Swinney's motion, 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)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 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)
 Hyslop, Fiona (Lothians) (SNP)
 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)
 MacDonald, Margo (Lothians) (Ind)
 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)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahon, 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)
 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)
 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)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 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)
 Ingram, Mr Adam (South of Scotland) (SNP)
 Jenkins, Ian (Tweeddale, Ettrick and Lauderdale) (LD)
 Lochhead, Richard (North-East Scotland) (SNP)
 MacAskill, Mr Kenny (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)
 Raffan, Mr Keith (Mid Scotland and Fife) (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, 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)
 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

Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (Lab)
 Murray, Dr Elaine (Dumfries) (Lab)

The Presiding Officer: The result of the division is: For 69, Against 52, Abstentions 4.

Amendment, as amended, agreed to.

The Presiding Officer: The next question is, that amendment S1M-4012.5, in the name of Nora Radcliffe, which seeks to amend the amended 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

Adam, Brian (North-East Scotland) (SNP)
 Brown, Robert (Glasgow) (LD)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 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)
 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)
 MacAskill, Mr Kenny (Lothians) (SNP)
 MacDonald, Margo (Lothians) (Ind)
 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)
 Murray, Dr Elaine (Dumfries) (Lab)
 Neil, Alex (Central Scotland) (SNP)
 Paterson, Mr Gil (Central Scotland) (SNP)
 Quinan, Mr Lloyd (West of Scotland) (SNP)
 Radcliffe, Nora (Gordon) (LD)
 Raffan, Mr Keith (Mid Scotland and Fife) (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, 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)
 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)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)
 Douglas-Hamilton, Lord James (Lothians) (Con)
 Eadie, Helen (Dunfermline East) (Lab)
 Fergusson, 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)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, Michael (Hamilton North and Bellshill) (Lab)
 McNeil, Mr Duncan (Greenock and Inverclyde) (Lab)
 McNeill, Pauline (Glasgow Kelvin) (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)
 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)
 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

Barrie, Scott (Dunfermline West) (Lab)
 Harper, Robin (Lothians) (Grn)

The Presiding Officer: The result of the division is: For 56, Against 67, Abstentions 2.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion S1M-4012, 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)
 Boyack, Sarah (Edinburgh Central) (Lab)
 Brankin, Rhona (Midlothian) (Lab)
 Butler, Bill (Glasgow Anniesland) (Lab)
 Chisholm, Malcolm (Edinburgh North and Leith) (Lab)
 Craigie, Cathie (Cumbernauld and Kilsyth) (Lab)
 Curran, Ms Margaret (Glasgow Baillieston) (Lab)
 Davidson, Mr David (North-East Scotland) (Con)

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)
 McConnell, Mr Jack (Motherwell and Wishaw) (Lab)
 McGrigor, Mr Jamie (Highlands and Islands) (Con)
 McIntosh, Mrs Lyndsay (Central Scotland) (Con)
 McLeish, Henry (Central Fife) (Lab)
 McLetchie, David (Lothians) (Con)
 McMahan, 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)
 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)
 Canavan, Dennis (Falkirk West)
 Crawford, Bruce (Mid Scotland and Fife) (SNP)
 Cunningham, Roseanna (Perth) (SNP)
 Elder, Dorothy-Grace (Glasgow) (Ind)
 Ewing, Dr Winnie (Highlands and Islands) (SNP)
 Ewing, Fergus (Inverness East, Nairn and Lochaber) (SNP)
 Ewing, Mrs Margaret (Moray) (SNP)
 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)
 MacAskill, Mr Kenny (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)
 Raffan, Mr Keith (Mid Scotland and Fife) (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, 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)
 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

Deacon, Susan (Edinburgh East and Musselburgh) (Lab)
 Jackson, Gordon (Glasgow Govan) (Lab)
 MacDonald, Margo (Lothians) (Ind)
 McNeill, Pauline (Glasgow Kelvin) (Lab)

The Presiding Officer: The result of the division is: For 68, Against 53, Abstentions 4.

Motion, as amended, agreed to.

Resolved,

That the Parliament believes that the authority of the United Nations is crucial to resolving conflicts in the Middle East, that Saddam Hussein is a danger to the international community, the region and his own people and that Saddam Hussein should co-operate fully with the implementation of UN resolution 1441 and notes the objective of Her Majesty's Government to secure a further resolution in the UN Security Council before any military intervention; registers its concern that the report published by the International Development Committee of the House of Commons concludes that insufficient emphasis has been placed on the humanitarian implications of military action in Iraq and urges Her Majesty's Government, in co-operation with the United Nations, aid agencies and other governments, to address this as a matter of priority.

The Presiding Officer: The next question is, that motion S1M-3866, in the name of Keith Harding, that the Dog Fouling (Scotland) Bill be passed, be agreed to.

Motion agreed to.

That the Parliament agrees that the Dog Fouling (Scotland) Bill be passed.

The Presiding Officer: I declare the bill passed. [Applause.]

If no one objects, I will put the questions on all four statutory instruments together. The question is, that motions S1M-4007, S1M-4008, S1M-4009 and S1M-4010, be agreed to.

Motions agreed to.

That the Parliament agrees that the draft General Commissioners of Income Tax (Expenses) (Scotland) Regulations 2003 be approved.

That the Parliament agrees that the draft Landfill (Scotland) Regulations 2003 be approved.

That the Parliament agrees that the draft Road Traffic (Vehicles Emissions) (Fixed Penalty) (Scotland) Regulations 2003 be approved.

That the Parliament agrees that the draft SFGS Farmland Premium Scheme 2003 be approved.

Post Office Card Accounts

The Deputy Presiding Officer (Mr Murray Tosh): The final item of business today is a members' business debate on motion S1M-3932, in the name of David Mundell, on Post Office card accounts. The debate will be concluded without any questions being put.

Motion debated,

That the Parliament believes that those post office customers in Scotland who wish to continue receiving their benefits, pensions payments and tax credits through the Post Office, following the introduction of automated credit transfer in April 2003, should be allowed to do so through a post office card account opened at the counter of a post office or sub-post office; further believes that customers should be offered a genuine choice between the options available, including a post office card account; supports the National Federation of SubPostmasters' call that there should be no administrative obstacles to customers opening a post office card account; notes the importance of post office card accounts to the future financial viability of sub-post offices, and considers that Scottish ministers should work with Her Majesty's Government to ensure that there is a level playing field in the marketing, promotion and advertising of the banking options from all departments of Her Majesty's Government, including the Department for Work and Pensions, the Inland Revenue and the Veterans Agency, the Scottish Executive and its agencies and local authorities.

16:40

David Mundell (South of Scotland) (Con): I am pleased to have the opportunity to raise in debate the subject of Post Office card accounts. I thank my colleagues in the Conservative group for their generosity in allowing me to be allocated another members' business debate. I put it on record that I regard it as a privilege to be the member who has secured the largest number of members' business debates during the parliamentary session. I am sure that all members agree that the success of members' business debates is in giving members the opportunity to raise issues that are of great importance to their constituents. That is certainly the case with post offices.

The Post Office and the benefits system are obviously reserved matters, but the way in which they are operated has a major impact on many devolved issues, such as rural development, social inclusion and local government. That is why, in January 2000, I initiated a members' business debate on the future of rural post offices. That debate was held against the backdrop of concerns and uncertainty about the future of the post office network, following changes to the benefits payment system to introduce automated credit transfers in place of traditional payment books.

The concerns then, as now, were about the availability of cash to people who live in rural or

disadvantaged communities and about how sub-postmasters throughout Scotland would make a living from the operation of their post offices, given that they are paid primarily according to the number of transactions that are conducted in their post offices.

In the intervening period, United Kingdom ministers gave many assurances that those issues could and would be resolved. Three options were presented for solving the difficulties. First, it has been argued that pensioners and benefit recipients could use their existing bank accounts to receive their pension or benefits payments and that cash could be paid at their local post office. Despite the involvement of some banking organisations, the reality for customers in Scotland is that the Bank of Scotland, the Royal Bank of Scotland and the Clydesdale Bank are not part of the scheme that allows payment at a post office. Accordingly, given those banks' market dominance in Scotland, the option of using an existing bank account for payment at a post office is a non-starter for most people. I never wish to interfere with our banks' commercial decision making, but it would help if the minister undertook to elicit for members the rationale of the major banks in Scotland for not being part of the scheme.

The minister might also wish to discuss with the banks the basic bank account, which was presented as another option for payment. That was to be available to people who did not have bank accounts and who it was judged would normally not find it easy to open a bank account. Those accounts were to be available at all major banks. However, when I attended a recent meeting in Moffat of sub-postmasters from the south of Scotland, I was advised that it is virtually impossible to open a basic bank account and that the number of such accounts that have been opened, relative to the number of benefit and pension recipients, is minuscule. Banks do not promote such accounts and one draws the inevitable conclusion that the basic bank account is not a meaningful alternative payment method.

That leaves the Post Office card account, which would allow benefits and pension money to be paid indirectly and allow the recipient to receive the cash over the counter simply by keying in their personal identification number when they took their card to their local post office. The concern that I present to the minister is that the card accounts and that payment method are not being highlighted sufficiently to benefit recipients, so sub-postmasters throughout Scotland are not being given a level playing field on payment options relative to banks and building societies.

The matter first came to my attention earlier this year, when Pauline Smith, the sub-postmistress at Gretna Green, sent me a copy of a letter that a

customer had received from the veterans agency. Instead of saying explicitly that that lady could continue to have her war pension paid at her local post office via a card account, the letter made the most cursory of references to the card account at the bottom of page 3 and introduced the requirement to complete other forms before payment could be made at a post office. However, the option of giving bank details was contained clearly in the letter and a reply-paid envelope was provided for a return to be made to the agency. That does not seem to be an encouragement of the use of Post Office card accounts.

Subsequently, other postmasters, including Mr Paul Lumb from Canonbie, whom I visited on Saturday, highlighted to me that recipients of child benefits were receiving letters in similar terms that did not make explicitly clear the option of the use of the Post Office card account. Moreover, the letters did not make it any easier for the benefit recipient to open an account in preference to giving bank details. No doubt that is why so many fewer Post Office card accounts have been opened than might have been anticipated. I am sure that the minister will have the figures.

The principal concern is that, unless there is a change in attitude, particularly at the Department for Works and Pensions, the transfer of payment of retirement pensions, which is a significant part of the business of most post offices and which is vital to the cash flow and day-to-day life of many elderly people in Scotland, will proceed on the same basis.

The DWP is effectively discouraging the use of Post Office card accounts. If those accounts are not used, the mainstay of the business of most post offices will be lost and the whole viability of many post offices will be on the line. That would mean that even the most vulnerable in our society, who are unlikely to be able to open a basic bank account, will not have access to cash within their community.

The many postmasters and postmistresses to whom I have spoken on the issue do not want preferential treatment; they want a level playing field. They want the Post Office card account option to be made clear to people. If a level playing field is created, postmasters are confident that the public will choose Post Office card accounts as their preferred method of payment. The public know that they receive a personal service at post offices, which have knowledge of individual customers' needs. They also know that these days, at banks, customers have to decline the offer of a mortgage, insurance and travellers cheques before they get to the teller, who is to be found in the back corner of the bank.

I hope that the minister will take the issue seriously and that he will join members of all

parties at Westminster and members of all parties who signed my motion in lobbying Her Majesty's Government to ensure that our post offices are given a level playing field in relation to Post Office card accounts and that our citizens in Scotland will continue to have the opportunity to receive payment in cash at post offices in Scotland.

16:48

Stewart Stevenson (Banff and Buchan) (SNP): I am happy to support David Mundell's excellent motion. In rural areas, post offices are absolutely central to our communities; we cannot overstate their importance. The range of postal services that local post offices provide, in addition to the commercial services that they offer, depends on their continuing income from the Post Office.

Many of the people who use post offices are pensioners. I dispute the assertion that was made in a letter that I received from the DWP that

"85 per cent of benefit and pension recipients"

have a bank account. Although that might be true as an average, it is certainly not true in the many villages in my constituency. I am sure that other members know of constituents who have no access to banks and for whom their post office is the only option. For the generations of people who have been more used to face-to-face dealings than to voicemail, Touchtone phones and plastic cards, the threat of having to go and open a bank account is quite intimidating—it is an unwarranted change.

In a previous life, I worked with the DWP and I have to say that its staff are not the easiest people to work with—once they get an idea, they simply go for it. It is arrogant of them to operate in the way that we have heard about under the guise of being helpful. I quote again from the letter I received:

"As you know, customers who wish to apply for a Post Office ... card account are asked to call the Department. I can assure you that this is purely to ensure that they can have a fully informed discussion about all of the options".

Believe me, that "fully informed discussion" is entirely geared to ensuring that the banks, and not the Post Office, get the business. Members should not just take my word for it. If they want, they should phone up the helpline and pretend that they are someone else. They will find a sales pitch for the banks. The situation is quite disgraceful.

The new leaflets that have been issued on the payment of pensions are a vast improvement. Information about the Post Office card account now comes at the top. However, although that step is welcome, it is very belated and many post offices are probably now at severe risk. I have visited a number in Fraserburgh, Maud and other

parts of my constituency and know that there are difficulties.

The DWP has prevented sub-postmasters from putting up posters that advertise how the Post Office card can be used. As a result, I have produced a poster myself and given it to many sub-postmasters in my constituency. I encourage all members to do the same thing; I will give them the template if that helps.

I very much welcome this opportunity to highlight the DWP's arrogant manipulation of post offices at a time when they are under real threat. We must resist that threat with every bone in our body.

16:51

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I congratulate David Mundell on securing today's debate. I will cite some examples to develop Stewart Stevenson's point that not every community has a bank. I spoke today to Mr Norman Henderson, who is the sub-postmaster in the village of Tongue on the north coast of Sutherland. Although there is a branch of the Royal Bank of Scotland in Tongue, Clydesdale Bank customers have to travel 44 miles to their nearest branch, which is in Thurso. There is also a hole in the wall in Durness. Jane Selby, who is the sub-postmistress in Scourie, tells me that the nearest bank is a branch of the Royal Bank of Scotland 26 miles away in Lochinver and that Bank of Scotland customers have to travel 41 miles to Lairg.

A decrease in the number of people who use post offices will have knock-on effects. After all, many who use them to collect pensions also tend to buy a packet of digestives, a bag of apples or whatever. That option brings in customers and makes these little businesses viable—any decrease in the number of customers will threaten their future viability.

David Mundell highlighted the important social role that our post offices play. They contain local knowledge—for example, the sub-postmasters or sub-postmistresses know their customers well and keep their eye on them in a friendly and constructive way. If that service goes, some of the most vulnerable people in our society will face an additional threat.

As post offices are the very heart of our remote communities, we must do everything that we can to shore them up. The problem is that, even with card accounts, post offices will receive less income than they do at present. Therein lies another threat.

We must try to support post offices. For example, why do they not carry information about local government? I ask the minister to consider

that constructive suggestion and to urge it on his Westminster colleagues when he makes representations to them.

We lose our post offices at our peril. They are absolutely vital to some of the remotest parts of Scotland, including my constituency, and to some of the most vulnerable people in our society. I urge members to support our post office network.

16:53

Dennis Canavan (Falkirk West): I strongly support David Mundell's motion and particularly his demand that there should be real freedom of choice between the options available for cashing pensions and other benefits. Indeed, there is a good case for encouraging more use of Post Office card accounts and I support the National Federation of SubPostmasters' call that there should be no administrative obstacles to opening such accounts.

The post office network is an essential lifeline for many communities not just in remote rural areas, but in some urban and semi-urban areas. Post offices and sub-post offices need adequate business to survive. If they do not survive, a valuable service will be lost and people on low incomes who are dependent on state benefits will suffer most.

Many people on low incomes do not have bank accounts. Indeed, for various reasons, some of them might not have the opportunity to open a traditional type of bank account. It should therefore be made as easy as possible for them to open a Post Office card account. Other people may have an account with a bank or building society that has not yet signed up to the appropriate agreement with the Post Office. The Scottish Executive and the UK Government should encourage all financial institutions to sign up to such an agreement. In the meantime, however, the arrangements to open a Post Office card account should be made as easy as possible.

I feel strongly that post offices should be encouraged to broaden and diversify the range of services that they offer, including banking and other financial services. That would be of great benefit to individual consumers and would enhance the viability of the post office network, which provides such a valuable service to the people of this country.

16:56

Mary Scanlon (Highlands and Islands) (Con): I am delighted to support David Mundell's motion, which is not the first members' business motion that he has lodged on post offices. I also welcome Cathy Walker and Liz MacFarlane from the Highlands. The time that they have taken to travel

here to listen to the debate highlights the strength of feeling on the issue that exists throughout Scotland. Given the disappointing lack of support for "Your Guide" from the Scottish Executive and our post offices, there is no doubt that there is an enormous threat hanging over sub-post offices.

I have been sent information from a post office in Inverness that states that the Post Office card account is welcomed by pensioners, particularly as they can withdraw £10 per day, or twice a day, rather than have to take out their full pension, and that that is obviously of great interest to many customers, given the muggings that have taken place.

There are currently 140,000 retirement pensioners who do not have a bank account, as Dennis Canavan said. Organisations such as Help the Aged are concerned about the new type of account for members of society who have not been used to operating a bank account. If they accidentally become overdrawn, the charges can be as high as £30 per day, which is a huge amount for someone in receipt of a small weekly income.

Mike Dow and Cathy Walker, two sub-postmasters in Inverness, conducted a local survey around various banks in the city to see how easy or difficult it would be to open the basic bank account. Only one major high street bank knew about these accounts and had the application forms readily available. Another suggested that bank staff could phone their man in London, and another knew that the accounts existed but was still awaiting paperwork from head office. Although all the major banking institutions have signed a contract with the Post Office, it seems almost impossible to open one of those accounts. It is a national, UK-wide problem, not simply one in Inverness.

I have a letter sent from the Department for Work and Pensions to retirement pension customers. It is dated 9 February 2003 and, as other members have said, it states that

"What we ask you to do now"

is simply to pick up the telephone and dial a freephone number, and that customers who do that can sign up very easily. However, for customers who wish to open a Post Office card account, there are 21 steps after the phone call before they receive a swipe card and four-digit personal identification number. Why does not the Department for Work and Pensions include an application form for the Post Office card account with the original letter and provide post offices with a level playing field?

16:59

Alasdair Morgan (Galloway and Upper Nithsdale) (SNP): In criticising the Government, and particularly the Westminster Government, for the position that we are in now, I have to say that the current problem is not one that we did not see coming many years ago. I originally got involved in the matter when I was first elected to Westminster in 1997. Since then, there have been on-going concerns and on-going closures of post offices. Many of those closures have been fuelled by the difficulties that existing postmasters face in selling their businesses because of the total uncertainty of what is going to happen to them. There was clearly always a strong case for scrapping the giro book system because of the fraud to which it was open, but the alternative was the problem.

After the failure of the horizon system, which I think was early in 1998, the Government seemed to be making things up as it went along. It came up with the idea of a people's bank account, but it did not negotiate the details of that with the banks that would have had to administer the accounts. The Government tried to come up with a solution before it had the answer. Although it said that the present alternatives would be promoted equally, that has not happened. I am not sure whether the ministers or their civil servants have fallen down, but the alternatives have simply not been promoted to the extent required.

I want to highlight another problem. On Tuesday, I came across a customer in Dunscore post office in my constituency who was cashing her pension book. When, out of hearing of the postmaster, I talked to her about the changes, she said that when the giro book became unavailable, she would not go through the hassle of getting another account and card, but simply get the money through her existing bank account. That might be all right for her, because she has a car and can go to Dumfries, but as Dunscore has no cash machine or bank, many other people will be in severe difficulties if the post office closes.

Each post office is different and many have diversified as far as they can. It is facile to think that they will survive if they lose so much business. I have no time to rehearse post offices' vital role in rural communities. I congratulate David Mundell on his motion, which the Executive and all members must support. There is no going back when a post office is closed; each closure is yet another nail in the coffin of rural communities. I am afraid that both the nails and the coffin have been created by the Government's centralising agenda.

17:02

John Farquhar Munro (Ross, Skye and Inverness West) (LD): As we have heard, we are about to witness a dramatic change in a national

institution—our local post offices. Over many decades, post offices have provided a professional and dedicated service to communities in urban and rural Scotland. My main concern is over the difficulties that the change will create in large areas of rural Scotland for many existing users of Post Office services. Post offices are crucial to supporting the well-being of those fragile areas.

Many rural post offices are run by private individuals, who provide a social service for the resident community. Those people have witnessed a steady decline in the business transacted through their post offices, with a consequent fall in profit margins. I am glad to say that local authorities have attempted to help by reducing the burden of rates and other charges that are imposed on sub-post offices. That has helped to slow the rate of closures, but we now hear that the benefit transactions and key services on which the businesses depend are to be removed and replaced by a system of automated credit transfer, which, I fear, will be the final death knell. The changes will accelerate the demise of rural post offices as we know them.

As several members have said, many people who depend on Post Office services do not have a bank account, but use their local post office to collect cash, benefit cheques or pension vouchers. I am sure that members will understand and agree that those people look forward to their weekly visit to the post office to meet people, chat for a while and, most important, collect their money.

When the new system comes into force, post offices will lose revenue and customers, who will no longer go to post offices to collect their money. The Post Office network is the only network that I can think of that stretches into pretty well every community in the land. It is a tremendous asset, but we do not seem to value it or utilise it to its full potential. Given that it could be used in so many ways, it is depressing that the Government will remove a use that has helped to sustain the network.

I suggest that more effort must be directed to introducing more innovative businesses and services through post offices so that we can retain and sustain our rural communities and so honour our commitment to the principle of social inclusion, about which we hear so often in the Parliament.

17:05

Murdo Fraser (Mid Scotland and Fife) (Con): I commend my colleague David Mundell for his motion and congratulate him on securing the time to debate it. It concerns a vital issue for those of us who represent rural areas.

Over recent months, I have visited a number of post offices around Perthshire and Angus—

including those in Murthly, Memus and Kinloch Rannoch—which have been saved by local communities that are desperate to hold on to a key local service. I have found that those post offices are going from strength to strength, although they were saved only by the involvement of the local communities. Last autumn, I met a delegation of sub-postmasters from Tayside who had come to lobby Parliament and who expressed their concerns about the transition to automatic benefit transfers and the marketing—or the lack of it—of the Post Office card account by the Department for Work and Pensions. They said that they believed that there would be a poor take-up of the card account due to the biased literature that was being produced by the Government. They have been proved right. In the first trials, only a small percentage of benefit recipients took up the Post Office option.

A MORI poll that was carried out in post offices in 2001 asked pension and benefit recipients how they would prefer to receive their payments: whether in cash at a post office or paid directly into a bank or building society account. At that point, 95 per cent of those people said that they would prefer to receive their benefits in cash at post offices. So, what has changed? It is the view of the sub-postmasters that the Department for Work and Pensions has failed to promote effectively the choices that are available to customers.

David Mundell and other members have referred to the forms that must be filled in. I recently visited Blair Atholl post office, where the sub-postmaster showed me one of the forms that had been sent out. It required the customer to be proactive and phone up to get a further form to fill in before the money would be paid at the post office. It is far easier to access the money through a bank or building society, and that is surely unacceptable.

A further point was made to me today by a postmistress. There is no provision for home helps to collect a pension for someone unless they have been appointed as a permanent agent. If the regular home help is off sick or on holiday, a temporary home help cannot collect a pension for a client. That could present a major problem for a housebound pensioner whose pension is, at the moment, collected by home helps. Due to changes in home help provision over the years, it is unusual for someone to have the same home help all the time.

I believe that customers are entitled to a genuine choice. All the sub-postmasters whom I have met know their customers well and are often called upon for help in filling in forms and accessing services, as well as just being a friendly face in the community. The Parliament has a duty to help our rural communities to retain that service, and we can make a positive contribution to that end by

promoting a level playing field and campaigning for choice for all.

Looking around the chamber, I note the presence of members of the Scottish National Party, members of the Liberal Democrats, members of the Conservative party and Mr Canavan. However, apart from the minister, not a single member of the Labour party is present. Perhaps that explains why we are in the situation that we are now in.

17:08

Shona Robison (North-East Scotland) (SNP):

I congratulate David Mundell on securing the debate and I also express my disappointment that not a single Labour member has stayed for the debate. Given the overwhelming concern about the issue among pensioners, that is somewhat surprising. I am sure that the pensioners will make their views known.

The Westminster Government's changes to the way in which pensions will be paid are a threat to the existence of many of our local post offices. I would prefer pensioners to be able to collect their pensions in the traditional manner, through their pension books at their local post offices. All the pensioners to whom I have spoken agree. However, that is not going to be the case—Westminster is determined to push ahead with changes to the system that are driven by the administrative savings that will be made rather than by what is best for pensioners.

As has been said, many pensioners do not have a bank account, nor do they want one. In many cases, they will not be entitled to one; many pensioners whom I know have been declined bank accounts. Pensioners prefer to manage their pension money as they have always done, but the changes will be disruptive to the budgets of many pensioner households. For many pensioners, the only remaining alternative to a bank account will be the Post Office card account. Although that option is not ideal, I think that it is the best that is available and—more important—it provides a lifeline for the post offices that are under threat of closure.

It is fair to say that the card accounts have the potential to be a lifeline, which is why it is incredible that the Government is not providing a level playing field for Post Office card accounts. They are not being promoted as they should be. Instead, the Government clearly wants people to have bank accounts because the system will then cost less to administer.

A constituent of a colleague of mine phoned the helpline that the Department for Work and Pensions provides to find out how to open a Post Office card account. That constituent was told that

it was not necessary for them to do that because they had an existing bank account. The evidence is that people are being put off having Post Office card accounts and that there is no level playing field.

I join others in endorsing the call by the National Federation of SubPostmasters for there to be no administrative obstacles for customers who want to open Post Office card accounts. I look forward to hearing from the minister about what he intends to do to ensure that a level playing field is created.

17:11

Mr Keith Raffan (Mid Scotland and Fife) (LD):

I, too, congratulate David Mundell on securing this important debate and I think that it is shameful that no Labour members are present. The minister cuts a rather lonely figure tonight and I hope that he will give answers to the points that have been raised in the debate.

I disagree with Mr Mundell only when he said that he did not want to criticise the commercial decisions of banks. They should be widely criticised for the high charges that they impose; indeed, when I visit the former shipping line headquarters that is now my bank, I feel that I have paid personally for the entire refurbishing of the mahogany panelling. Banks have become increasingly impersonal. Instead of bank employees saying, "Good morning, Mr Raffan," they ask, "Do you have an account at this bank?"

That attitude contrasts with that of staff in sub-post offices. Every sub-postmaster whom I know knows not only the names of those who will be in a queue, but their order in the queue. If someone is not in their usual place, the sub-postmaster gets in touch to find out how they are. My friend John Farquhar Munro was correct that post offices provide a social and community service. I inform my Mid Scotland and Fife colleague, Murdo Fraser, that that service is provided not only in rural areas, but in urban areas. In fact, the financial viability of sub-post offices in such areas is much more threatened because they pay out more benefits. They will lose not just 30 per cent to 40 per cent of their income, but much more, and those that are most needed will be immediately threatened by closure.

I agree strongly with the terms of the motion. I echo what other members have said: pensioners and those who receive benefits should, if they wish, be allowed to receive their money through a Post Office card account and no obstacle should be put in their way. I have letters from sub-postmasters in Mid Scotland and Fife, which I represent, that state that pensioners who contacted the DWP requesting a Post Office card account had their requests ignored and were

asked for their bank account details, but they need the personal invitation document from the DWP because without that their postmaster cannot process their application.

There must be a level playing field in terms of the options that are available to customers. There is serious concern among pensioners' groups about the issue. I have an e-mail from my good friend Jim Ferguson of the Perth pensioners forum about the concern among pensioners who do not have and do not want bank accounts or cash cards, who are worried about potential budgeting problems and even hardship when the system moves to monthly payments into bank accounts.

As I said at the beginning of my speech, the post office network is important. There are 1,652 sub-post offices and they play a crucial role in our communities, but their financial viability is being threatened as the United Kingdom Government moves key services, such as benefits provision, to an automated credit transfer system.

I hope that the minister will respond on the issue of the "Your Guide" service. Post offices should be allowed to expand radically their role in the provision of information on Government issues and in helping citizens to carry out routine transactions with Government bodies. The Scottish Executive was given £3.5 million specifically for the "Your Guide" service, but the money has been absorbed into other funding and hardly anything has been done to promote that service. I would be grateful if the minister would address that specific point when he replies.

17:14

Fergus Ewing (Inverness East, Nairn and Lochaber) (SNP): I congratulate David Mundell on lodging the motion, which has received support from the three parties that are represented in the chamber and from Dennis Canavan, who is also present. I apologise for not being here for the beginning of the debate, but I had to attend to a call of nature.

Like other members, I was alerted to the problem by local postmasters, such as Cathy Walker of Kingsmills, who is here, and Mike Dow of Hilton. Like Mary Scanlon, we have attempted to highlight the problems that many members have mentioned.

One problem, which I do not think has been mentioned, is that one of the options—the basic bank account—could result in pensioners going into overdraft. If they do, on a pension of about £90 a week, the overdraft charge would be about one third of their total weekly income. How can a Labour Government allow that to occur?

Of the three options—the POCA, the basic bank account and the current account—the POCA

should, if I may use a pun, be the red-hot option. It has many advantages, which many members have canvassed for. However, rather than rehearse the social function or the £380 million, I think, that the Government wasted on the horizon project—perhaps it should be called the "lost horizon project"—I will dwell on the theme that has emerged from the debate. That is that a level playing field is all that is wanted, although the Government—not just the DWP—has actively discouraged people from the POCA.

I sympathise with Allan Wilson. I am sure that he would rather be back in the debate that we had yesterday on the Agriculture Holdings (Scotland) Bill. He is a man alone today. "A Man Alone" was one of the songs from "The Ipspress File", which, as I am sure members will recall, had a fast-moving plot and a lot of casualties at the end. I hope that, when the minister makes his closing remarks, he will not be a casualty, because we get on fine with him.

However, there is a serious point to be made. We have all spoken with the same voice and used similar arguments; we all want the same things. However, the Executive minister who is present must defend a position that is contrary to what we argue for. It is a position that has been adopted by a Labour Government at Westminster. When will the Scottish Executive stand up to the London Government? When will it make it explicit that it will stand up for the clearly expressed views of at least three parties on an issue that is of huge social concern? When will it voice the fears that we have expressed about the ill thought-out nature of the proposals and the fact that the Labour Government seems to be hellbent on pursuing the policy regardless of the objections that have been made? There are about 300 signatories to the early day motion at Westminster.

The Deputy Presiding Officer: Please wind up.

Fergus Ewing: To conclude—I obediently follow the Presiding Officer's every direction—I hope that Allan Wilson will not obfuscate, evade and avoid, but instead will give Parliament an answer to my question: Will he stand up to the London Government on the matter, which is of great importance to many of our constituents?

17:18

The Deputy Minister for Environment and Rural Development (Allan Wilson): I am grateful to David Mundell for providing me with an opportunity this afternoon—it is still afternoon—to allay the concerns that he and others may have and to address some of the misinformation that has flown about in the debate.

I should not be surprised at the rather manufactured concern—if members do not mind

my calling it that—at the absence of my colleagues. I assure members that they are getting quality, if not quantity, Labour representation.

Members, of course, are each represented by an MP, with whom they are perfectly at liberty to raise matters of concern on Post Office issues, benefit and pension payments and tax credits, because those are all reserved to the UK Government. That is properly so. It is how we get a viable, modern and effective Post Office service on a UK basis. The last thing that would help the Post Office would be to dismantle it nationally as the nationalists wish to do.

The changes that the Government is making to the way that benefits and pensions are paid will ensure a more modern, efficient and reliable service. They will increase customer choice, which I would have thought our Conservative colleagues would have supported. They will provide better value for the taxpayer, although that will not concern the nationalists particularly, given their spendthrift policies. They will also cut fraud and boost financial inclusion rather than the contrary, which John Farquhar Munro seemed to argue.

My abiding memory of this problem is walking down Kilbirnie main street, where I live, in the most inclement weather and seeing some of the poorest and most vulnerable members of our community sheltering themselves from the elements as they waited for the post office to open on a Monday morning so that they could cash their giros. I said to myself that there must be a better system than that.

Shona Robison *rose*—

Mr Raffan *rose*—

Allan Wilson: The better system that I propose, and which the Government is introducing, is that people in that vulnerable situation can—like Shona Robison, Keith Raffan and all the other members in the chamber—access their cash 24 hours a day, seven days a week. We want to provide that opportunity to the most vulnerable members of society and we make no apology for that.

Mr Raffan: Will the minister give way?

Shona Robison: Will the minister take an intervention?

Allan Wilson: People will have more choice about where and when they collect their money. There are and will be a range of accounts that people can access at Post Office branches. People will no longer have to collect their money all in one go; the police and others think that that will help to tackle crime.

Mr Raffan: Will the minister give way?

Allan Wilson: We can give members the statistics on the number of old age pensioners

who are robbed for their giro—I suspect that that happens in Perth as it does elsewhere.

Shona Robison *rose*—

Allan Wilson: People will be able to collect their money from one of more than 40,000 cash machines across the UK. The current system of order books and giros—I suspect that there are a few of them in Dundee—is expensive to operate, as was mentioned, and is open to fraud and abuse. The new, modern system of direct payment will free up resources for better investment.

Direct payment into an account is also much more secure and will help the Government to crack down on the criminals who prey on pensioners—in Perth and in Dundee—by stealing their order books and cashing orders themselves; on average, well over 100 pensioners a week have their order books stolen.

Direct payment will help to spread financial inclusion by increasing the number of people who have bank accounts and giving them opportunities to benefit.

Fergus Ewing: On a point of order, is it in order for the minister to take interventions to disturb the free flow of his reading from his brief?

The Deputy Presiding Officer: That is not a point of order. I ask the minister to continue.

Allan Wilson: I assure Mr Ewing that I am not reading from my brief, if that is any consolation.

Mr Raffan: Will the minister give way?

Allan Wilson: I am happy to give way.

Mr Raffan: Why does the minister want to tell pensioners what he thinks is good for them instead of listening to what they want? Labour wants to do what it wants to do; it does not want to listen to people. If Labour were to listen it might do better in the polls.

Allan Wilson: I think that we will do all right in the polls. We are, as Mr Raffan knows, a listening Government. We are not about imposing change for its own sake. I am laying out why we believe that we should have a modernised and efficient service that gives poor and vulnerable people access to their cash 24 hours a day, seven days a week; that is the same access to their cash that Keith Raffan enjoys to his. We should not deny that to pensioners and the most vulnerable people in our communities.

Mr Stone: Will the minister take an intervention?

Allan Wilson: No. I must move on.

There have been a lot of sensible questions, in addition to some of the pre-election rubbish that has been spouted. I will answer the legitimate questions that David Mundell and others have

asked. As I was challenged to stand up for Scotland, I should point out that I have been in contact regularly with colleagues down south to ensure that the legitimate questions that were asked by Keith Raffan and other members such as Alasdair Morgan—I recognise the interest that he has shown in the matter over the piece—have been represented and that the Scottish interest is taken on board in the considerations of colleagues down south.

Fergus Ewing: The minister has not done anything.

Allan Wilson: That is not true. I will come on to that.

The banks have been introducing straightforward, basic bank accounts over the past few years. Those are ideal for people who have never used an account before and, from April, many can be used at local post offices. Customers will have available to them a variety of free-to-operate bank account options that can be accessed through post offices as well as the new post office card account, which I will come to in more detail shortly. The important point is that people will still be able to get their money from the Post Office after the Government moves to direct payment.

I would argue that new banking services and the introduction of the Post Office card account are central to the future of the Post Office. Without those reforms, combined with significant Government support, the Post Office would face an uncertain future with declining numbers of customers and many more branch closures. Those changes provide an ideal opportunity for the Post Office to create a modern and efficient national network of branches providing a range of new, high-quality services to customers.

The UK Government is committed to ensuring that people will be able to continue to collect their benefits in cash at post offices if they so wish. There will be post office access to a range of bank accounts. That will enable all those who wish to do so to continue to collect their benefits in cash at post offices. There is the existing account, which is a standard bank or building society account—I notice that about 42 per cent of benefit recipients currently choose to hold such an account—and there is the bank or building society basic account for those who are new to banking.

Alasdair Morgan: Nobody is disputing the fact that the Post Office card account is there and that, in theory, people can use it to get their cash out. The point is that it is so impossibly difficult for people to take that option.

Allan Wilson: I was going to come to that, although I do not accept the basic premise of Alasdair Morgan's argument or of other arguments

that there is not a level playing field. As at 10 January, the total number of benefit customers requesting Post Office card accounts was about 26,500, which is made up of nearly 9,000 child benefit customers and about 17,500 veterans agency customers.

We are not managing people's choices, as has been suggested, particularly by Stewart Stevenson; we are informing individuals of the choices available. The intention is gradually to build up the number of benefit customers and pensioners who are paid through bank accounts and the Post Office card account, starting from April.

Stewart Stevenson: Will the minister give way?

Allan Wilson: If Stewart Stevenson does not mind, I think that I probably need to make progress—although I would normally have enjoyed Stewart's intervention.

As the system proves itself in practice, the Government will increase the number of people who are paid through those accounts. Those pension and benefit customers who have opted for a card account, but who have not yet opened one and sent their account details to the DWP, will continue to be paid by order book or giro as they are now.

The Government will not, I assure members, take risks with the money of pensioners and other benefit and tax credit recipients. The service will not be accepted until it has been proven to be reliable and robust, and until it provides a high-quality service to customers. The DWP will have an important role in taking customers through the changes, including how they get their money from their account at the post office if they wish to do that. Customers will be supplied with information clearly setting out their account options and enabling them freely to choose the account that is right for them. That is as it should be.

All the Government materials set out the key features of the various accounts and the availability of post office access and of the card account at every turn. There will be no special eligibility criteria and no cap on the number of people who can opt for the card account at post offices. Customers will choose the account that they want. That information is contained in a leaflet—I was pleased to hear references to it during the debate—which ensures that customers' options are known.

There is a Scottish dimension to this. It is for the Department for Work and Pensions and the UK Government to ensure that people in Scotland have the necessary information about the changes and about their choices. Following representations that I made to the Department for Work and Pensions and UK ministers, partly in response to

colleagues, the DWP is taking steps to address some of the concerns that have been expressed in Scotland, and it has planned a range of activities to make the changes understood. Those will include a meeting with key Scottish organisations, including Age Concern Scotland, at a Scottish round-table special interest group. Representations that I have made are being taken on board by colleagues down south to ensure that the full range of choices is available to Scottish customers, and that the information is properly disseminated.

I accept that post offices provide socially important services and facilities that are of particular importance to deprived communities—I say that from my personal experience. In recognition of that, we have established a £2 million funding programme to develop retail facilities at post offices in deprived urban areas. I do not see many members in the chamber who are overly concerned about deprived urban areas—with the honourable exception of Dennis Canavan. A key objective of the programme is to ensure that this vital community facility remains accessible to all. On 3 March we began to accept applications for grants from the fund. I encourage all eligible sub-postmasters to apply.

I thank David Mundell for providing us with an opportunity to debate this issue. He said that he had secured a record number of members' debates, but I have probably answered more than my fair share of such debates. I hope that I have answered some of the members' questions tonight. I assure colleagues that I am happy to return in correspondence to those matters of continuing concern that I was unable to deal with directly, especially issues that colleagues would like to raise with UK ministers. I would be glad to assist them in that.

Meeting closed at 17:31.

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