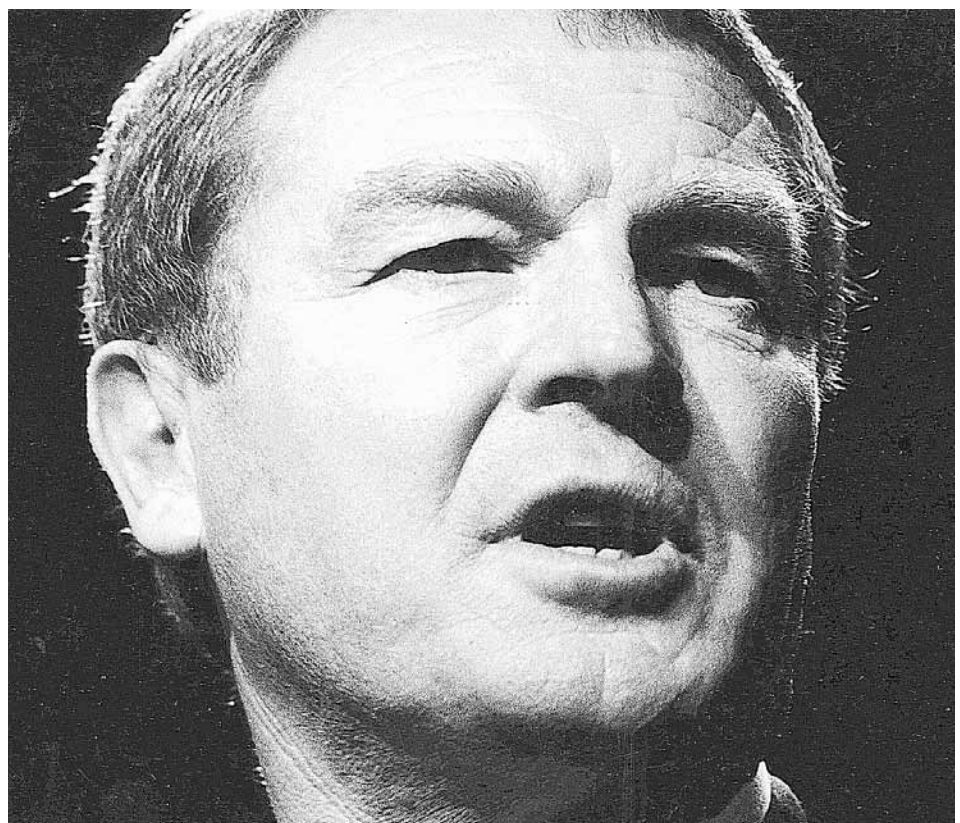


# THE HISTORY OF THE TRIPLE LOCK WHERE IT CAME FROM, HOW IT WAS USED

Fears over Paddy Ashdown's talks with Labour in the late 1990s triggered the Liberal Democrats to introduce the so-called 'triple lock' arrangement to stop Ashdown bouncing the party into a controversial decision on its future. Though never used under his leadership, the process technically stayed in force. It was used for the first time to confirm, ironically, a deal with the Conservative Party in May 2010. The party has since voted to review its working, but with a view to making minor changes rather than to abolish it. After its first outing in anger, the triple lock is firmly here to stay. Its origins and continuing relevance are examined by **Mark Pack**.<sup>1</sup>



**G**IVEN THE triple lock's later use to confirm a deal with the Conservative Party, it is ironic that its origins, in 1997–98, lay in fears of what the then party leader, Paddy Ashdown, might want to get up to with the Labour Party. Winner of the first leadership election for the newly formed Liberal Democrats

in 1988, Paddy Ashdown's priority in the early years of his leadership was to ensure the party's survival. Stories of how close the taxman came to closing down the national party over unpaid bills, and of opinion poll results showing the party so close to zero as to be within the statistical margin of error, have been frequently retold by Ashdown and his senior

# THE 'TRIPLE LOCK' IT WORKED AND ITS FUTURE

colleagues ever since. However, by the mid-1990s the threats to the party's very existence had been seen off, whilst the national political picture had changed markedly. The Conservative Party was sunk in long-term unpopularity and Labour was looking to successfully reinvent itself. Against this background, Paddy Ashdown set off on an audacious political strategy – to attempt to forge a 'progressive alliance' on the centre-left, united against the Conservatives and seeking to remedy the historical split (as he and close advisors such as Roy Jenkins saw it) which had fractured anti-Conservative forces early in the twentieth century, making it a century then dominated by Conservative political success.

This was a far from uncontroversial view amongst Liberal Democrat grassroots members. Some objected because they saw Labour as the local political adversary and did not want the national party to be cosying up to their opponents. Others agreed in principle about centre-left sympathies but feared how far Paddy Ashdown was willing to take cooperation. In fact, as Paddy Ashdown's diaries and other accounts have since revealed, Ashdown at least speculated about going much further with Labour than many of his critics ever feared at the time – even as far as merger.

In public, there was some successful cooperation, with Ashdown

clearly positioning the party as being anti-Conservative and dropping the earlier policy of equidistance between the Conservatives and Labour. In addition, negotiations were held between Labour and the Liberal Democrats to agree a programme of constitutional reforms. These became known as the Cook–Maclennan talks, after the lead negotiators for each party, Robin Cook and Bob Maclennan. The programme they agreed received widespread support within the Liberal Democrat Party. But subsequent further moves – including the creation of a Joint Consultative Committee after the 1997 general election – and repeated speculation about Ashdown's intentions, left many party members nervous or even hostile to where he was leading the party.

Symptomatic of this was a little-noticed debate one morning at the Liberal Democrat autumn conference of 1997 in Eastbourne, in which a councillor tried to overturn the Federal Conference Committee's (FCC) decision to exclude his submission from the conference agenda. Cllr David Howarth's appeal to suspend standing orders so that conference could debate an emergency motion ruling out coalition with Labour was easily rejected in a sparse debate.<sup>2</sup>

However, Howarth's move followed pre-conference reports such as that in the *Observer* on the Sunday

at the start of conference which said, 'Liberal Democrat leaders will tell activists this week that the party will form coalitions with Labour in the event of electoral reform for the House of Commons and devolved assemblies. Paddy Ashdown will brush aside critics ... His call for cooperation with Labour is backed by Liberal Democrat peer Lord Jenkins who, in today's interview with the *Observer*, urges the party to "stop being frightened of coalitions".' Those reports had been fuelled by an interview that Paddy Ashdown gave to the *New Statesman*, in which he talked about the possibilities of coalition with Labour. He recorded in his diaries that 'my intention was to get the Party thinking about what is on the horizon. I also wanted to gauge where the opposition is coming from ... Much consternation from the usual quarters, especially Conrad Russell and Lembit Opik ... My second intention in all this is to push Blair. If I get a furious reaction from the Party at conference, it will strengthen my hand when we start to negotiate seriously.'<sup>3</sup>

During conference week there were headlines such as 'Ashdown faces fight on Labour links' (*Financial Times*), 'Ashdown told not to cosy up to Blair' (*The Guardian*) and 'Ashdown coalition hint splits Lib Dems' (*The Times*). The sense of Labour and Liberal Democrats manoeuvring around their possible

Left: Paddy Ashdown, leader of the Liberal Democrats 1988–99

future relationship was heightened by the presence of a Labour minister – Alistair Darling – speaking at one of the conference fringe meetings. The attempts of Howarth and others to get the issue onto the agenda, however, fell foul of procedural problems, with the result that, rather than a high-profile debate advertised in advance on the agenda, the only debate was the failed attempt to suspend standing orders which took place both without advance notice and in a sparsely attended conference hall.

The reasons for the FCC's rejection not only of Howarth's motion but of others on the same topic were predominantly nothing to do with the committee members' views on Ashdown's strategy. Instead, they were concerned with how to run conference in the most orderly fashion. An ongoing strategy consultation was under way, with a motion and debate due at the next party conference. In addition, the emergency motion procedure is not well suited to controversial topics requiring lengthy debate, due to both the short notice periods involved and the absence of options to amend the motion.<sup>4</sup> Those, however, were reasons for putting off such a debate until the party's spring conference, rather than for avoiding it completely. Moreover, the autumn conference did see criticism of Paddy Ashdown's line on the fringe and in the strategy consultation session,<sup>5</sup> reinforcing the expectation that there would be a major debate on the topic at the following spring conference.

Between the autumn 1997 conference and the one in spring 1998 there was a great deal of behind-the-scenes debating and positioning, and the Conference Communication Group's (CCG) minutes from November 1997 rather acerbically commented that 'It was noted that Paddy Ashdown's interview in *New Statesman* threw our [conference] media message off course. It was agreed that in future the Ashdown Office will work more closely with the Press Team and the CCG to coordinate messages effectively.' The minutes went on to say, of David Howarth's initiative, 'Although the FCC handled attempts to suspend standing orders and force a strategy debate well, there is a demand within the party for a future debate and an

expectation that it will take place in spring.'<sup>6</sup>

As a result of these widespread expectations, between the autumn 1997 and spring 1998 conferences an informal group of people worked together, searching for a compromise wording that would both deal with David Howarth's (and their own) concerns and also be acceptable to Paddy Ashdown. This group included Gordon Lishman, the eventual author of the triple lock and a member of the Federal Executive (FE), former SDP leader and still-MP Bob Maclellan, popular peer Conrad Russell, and new MP Ed Davey. Donnachadh McCarthy, a regular critic of the party leadership and then on the Federal Executive was also involved, as was the party's Chief Executive, Chris Rennard, who was motivated by a desire to ensure that a form of words was found which would keep all the main players in the party happy, including both Paddy Ashdown and Conrad Russell.<sup>6</sup>

One problem in achieving this was that, as the nature of Paddy Ashdown's talks with Tony Blair became more public, so doubts about his strategy spread through the party and trust in him was also weakened. Ashdown had been heard to dismiss previous concerns as those of 'conspiracy theorists'. While he didn't actually say the concerns were untrue, the strict meaning of his words was very different from the likely inference people would take from his phrasing. This very specific choice of words allowed him to avoid direct deceit; however, it also meant that as more came to light about what had actually been happening, this sophistry damaged people's views of him.

When it came to the spring conference, three business motions on the topic were submitted. One was from the Federal Executive, initially as a holding motion, on the outcome of the party's strategy consultation, and the other two were from David Howarth (in the form of Cambridge Liberal Democrats) and his ally Conrad Russell (in the form of Brent Liberal Democrats). Both of these rejected outright a coalition with Labour not only in the present but also, given the conditions they attached, for the foreseeable future.<sup>7</sup> Unsurprisingly, both were rejected because of the presence of the FE's

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motion,<sup>8</sup> which meant that the real debate would be over any amendments tabled to the latter.

Several amendments were submitted which touched on the issue of coalitions and relations with Labour, but Federal Conference Committee took for debate a Gordon Lishman text (in the name of Burnley Liberal Democrats<sup>9</sup>) which set out what became known as the triple lock.<sup>10</sup> When deciding to take the Lishman amendment, the FCC debated whether or not it was in order, as it sets down rules that the parliamentary party and leadership should follow, yet the party's constitution states that parliamentarians cannot be mandated. The contrary argument, that the constitution only protects individuals from being mandated and that conference is sovereign, was sufficiently persuasive for FCC to rule the amendment in order.

Mindful of how the party leadership had handled the Lib-Lab pact, the wording of the Lishman amendment was motivated by a desire to avoid, in his own words, the party being 'needlessly riven and split'.<sup>11</sup> Lishman also wanted to be sure that the party had a say in any decision, particularly as the folk history of the party at the time was that the (Liberal) party's national leadership had a bad track record of negotiating with other parties – not just over the Lib-Lab pact but also in talks such as the formation of the Alliance. By way of contrast, many council group leaders had experience – often successful – of negotiating with other parties in hung councils around the country.<sup>12</sup> The key part of the Lishman amendment read:

Conference agrees that:

- (i) in the event of any substantial proposal which could affect the Party's independence of political action, the consent will be required of a majority of members of the Parliamentary Party in the House of Commons and the Federal Executive; and,
- (ii) unless there is a three-quarters majority of each group in favour of the proposals, the consent of the majority of those present and voting at a Special Conference convened under clause 6.6 of the Constitution; and,
- (iii) unless there is a two-thirds majority of those present and

voting at that Conference in favour of the proposals, the consent of a majority of all members of the Party voting in the ballot called pursuant to clause 6.11 or 8.6 of the Constitution.<sup>13</sup>

The text was therefore not so much anti-coalition as against Paddy Ashdown trying to bounce the party into one. In particular, the placing of an all-member ballot in the final stage meant that, although nominally it gave the party leader a chance to appeal 'above the heads' of the party's committees and parliamentarians, it more importantly prevented him invoking a threat to do so at an earlier stage. The proposal can also be seen as the culmination of a long series of initially Liberal Party reforms aimed at giving ordinary party members greater power, such as party members electing the party leader, the appointment of the party treasurer being removed from the leader, and strengthening the role of the party committees in drawing up the general election manifesto.

Ashdown himself was keen to have a debate and decision that kept his own options open. By his own account, he was reassured by others that this amendment did just that, but when he read it himself at 4.30 a.m. (sic) on the day it was due to be debated, his initial reaction was far more negative, verging on depressed. Over the course of the day, he was half won round by advisors to the view that he should neither flat-out oppose it nor view its probable passage as signalling the end of his strategy for relations with Labour.

When it came to the debate, the amendment itself was relatively uncontroversial in the hall.<sup>14</sup> Shirley Williams was lined up by Paddy Ashdown to oppose it, but hers was the only forceful speech against. Objections as to its constitutionality were raised by Willie Goodhart and Alan Leaman (not long out of the post of Director of Strategy and very close to Paddy Ashdown), but conference representatives reacted with a mixture of disagreement and a belief that, even if technically the amendment could not bind the leader and MPs, the politics of the situation meant that passing it would do so in practice.<sup>15</sup>

Unexpectedly, the main bone of contention during the debate

itself – and the cause of the one vote that needed to be counted due to its closeness – was on whether to have 'preferably STV' or simply 'STV' in the main strategy motion. At the same time as voting through the triple lock, conference voted (by 478 to 343) to retain the term 'preferably' and thus to have a pragmatic approach to the concessions that the party might be able to wring from others over electoral reform.

With Paddy Ashdown's further attempts to move the party closer to Labour running into regular opposition in the following nine months, which played a significant part in his subsequent decision to stand down,<sup>16</sup> the triple lock then faded into procedural obscurity for many years, although it was briefly talked about during the expansion of the Joint Consultative Committee in autumn 1998. Ashdown did not follow the triple lock process for this, arguing that it did not apply – which resulted in an internal party battle whereby some members of the FE (including Donnachadh McCarthy) threatened to call a special conference. Ashdown in turn threatened to call an all-member ballot, and peace only broke out when Ashdown announced his plans to retire.

The triple lock was not completely forgotten, however, and the Federal Conference Committee's officers, in particular, kept under review the practical implications of having to organise a special conference under the triple lock arrangements,<sup>17</sup> discussing them with the party leadership several times in intervening years and producing several documents setting out ways of implementing it. A particular problem for the FCC was that, because the triple lock process was originally passed to deal with a possible coalition agreement mid-parliament, many of its supporters had not considered in detail how it might work in the more rushed timetable after a general election.<sup>18</sup> Over the years, however, the potential timescale for calling a special conference was increasingly refined, and by 2010 the likely election date was sufficiently clear for it to be possible to make discreet provisional arrangements ahead of the election. Moreover, by then Ros Scott was party president and she was keen to ensure that the triple lock was used if relevant circumstances

arose. Not all party officers remembered its existence or that it was still applicable.<sup>19</sup> However, the expectation rapidly spread that it should be used and, as with the original arguments over its legality, there was a pragmatic acceptance of the need to abide by it.

Early on in the negotiations after the 2010 general election, it was also decided to proceed with a special conference regardless of whether or not that part of the triple lock procedure was actually triggered.<sup>20</sup> This was both to enable the party's leadership to be seen to be in control of events and also to ensure there was a widespread party buy-in to the decisions being made. Any decision not to call a special conference could have been overturned by a demand from the grassroots of the party, and such a scenario would have put the party's leadership on the back foot. Moreover, as one of Nick Clegg's advisors subsequently said, 'Thanks to the special conference no one in the party can say they didn't have a chance to have their say.'<sup>21</sup>

An oddity of the triple-lock process, however, was that it ended up being used to pass judgement on a coalition agreement heavy on policy, but the process did not formally involve the party's Federal Policy Committee (FPC). The inclusion of a role for the Federal Executive, but not for the FPC, in large part dates back to the make-up of the committees in 1997/98, as the FPC, which included both Howarth and Russell, was considerably more hostile to Paddy Ashdown's plans.

Also technically excluded were the members of the parliamentary party in the House of Lords, although in practice they were involved in the meetings that discussed and then agreed the coalition. Amongst the active participants in those meetings was Paddy Ashdown who, despite his original strategy of cooperation with Labour, spoke strongly in favour of the Conservative Party deal, saying he had been predisposed to being unhappy with it but was won over by its contents.

The involvement of the Lords and the triggering of the special conference – both technically beyond the bounds of the triple lock – illustrated the extent to which the triple lock had become a synonym for 'involve the party widely' rather

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than a legalistic process to follow to the letter. That broader, more flexible interpretation helped ensure its continuing relevance as a process that could work in circumstances very different from those that gave birth to it. However, the need for this flexibility also indicated a case for changing the technical wording, especially to cover any future situations in which there is no similar broad consensus about the desirability of wide consultation.

The party conference in spring 2011 therefore agreed, as part of a strategy debate, to review of the triple lock over the summer of 2011. That review is due to come to the autumn 2011 conference with its recommendations for any changes to the process. But the fact that the review centres around modifying the triple lock, if necessary, shows that the triple lock is here to stay and that the role of internal democracy in the Liberal Democrats continues to be very different from that in both the Labour and Conservative parties, neither of which during the 2010 coalition talks had any process similar to the triple lock.

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1 Thank you to Liz Barker, Duncan Brack, David Howarth, Gordon Lishman, Chris Rennard and others for being interviewed for this research. The views in the paper reflect my own conclusions and do not necessarily reflect those of any other individual.  
2 Emergency motions were submitted by East Staffordshire, which described talk of coalition with Labour as 'unnecessary and unhelpful' and called for it to 'cease'; South Derbyshire, which also used the 'unnecessary and unhelpful' phrase and made reference to 'the many issues where we have real disagreements with Labour policies'; Derby City, again with the 'unnecessary

and unhelpful' phrase; Leicester South ('Conference resolves to reject all notions of a coalition with Labour'); Oldham East and Saddleworth, featuring the 'unnecessary and unhelpful' phrase and calling for a policy of 'vigorously opposing on the many issues where we have real disagreements with Labour'; and from Cambridge City (the Howarth motion), which read:

**Coalition with the Labour Party**

Conference notes the revival of speculation about coalition at national level with the Labour Party. Conference welcomes cooperation with other parties where policy goals coincide and where it is necessary for good government, whether at local, national or European level.

Conference notes, however,

1. That Labour's commanding majority in the House of Commons means that a coalition is not necessary for stable government
2. That Labour has shown insufficient commitment to funding the public services, protecting the environment, safeguarding civil liberties and reforming the electoral system for the House of Commons
3. That coalition would tend to stifle debate and prevent legitimate and constructive criticism of the Government

Conference therefore believes that coalition with the Labour party at national level should be ruled out for the rest of this Parliament.

- 3 Paddy Ashdown, *The Ashdown Diaries: Volume 2 1997–1999* (Allen Lane, 2001), entry for 11 September 1997, p. 89.
- 4 Ashdown records in his diaries: 'A long discussion [at the Parliamentary Party Meeting] on [Howarth's motion]. It was finally agreed that we would try to stop the motion going ahead. But, to my horror, almost everyone said that if the Howarth motion does get put down, they would vote for it. I managed to persuade them this would be silly. Far better to keep our options open. Although I agreed to have a full debate on party strategy in the spring.' (Ashdown, *Diaries: Volume 2*, entry for 24 September 1997, p. 94). The parliamentary party and Ashdown's office only had a small representation on the FCC, and their views were often not followed, so this decision to oppose taking the motion was not in itself key to the FCC's subsequent decision.
- 5 Ashdown records in his diaries that, at the consultation session, 'I was again strongly criticised,

with some people openly saying that I was proposing to sacrifice the Party for a Cabinet seat. If it goes on like this I will lose and lose badly. I begin to think it is impossible to lead the Party to where I think it has to go.' (Ashdown, *Diaries: Volume 2*, entry for 21 September 1997, p. 94).

- 6 Conrad Russell's status in the party had been rising over previous years as his parliamentary activities, writing and very well-received speeches to party conference won him a large following amongst grassroots activists, reflected in very high votes in internal party elections. That, combined with the status and access to publicity granted to him by virtue of being a parliamentarian, made him a vocal and effective advocate for the positions he decided to take up.
- 7 David Howarth's primary concern was with a coalition with a Labour Party that had on its own an overall majority in the House of Commons. However, the extra conditions called for went beyond that.
- 8 When the FE was drawing up its motion for the spring 1998 conference, a proposal to rule out coalitions during the whole parliament was rejected overwhelmingly (with only two votes in favour). However, this was in large part due to it being a very broad amendment that bundled up many different issues within it.
- 9 The local party had previously agreed that Gordon Lishman could submit on its behalf, so the local party did not actually discuss or agree the text before it was submitted.
- 10 Amongst the other rejected amendments was one from David Howarth which had a simpler lock mechanism, but explicitly applied it to any extension of the current cooperation with Labour. The Lishman amendment put in more controls but reserved them for larger decisions. Howarth ended up happy to see his amendment dropped in return for the party leadership not opposing the Lishman amendment. Many in Paddy Ashdown's team also were willing to see this trade-off as they feared that Howarth's amendment would be passed.
- 11 Interview with Gordon Lishman, 2010.
- 12 Moreover, the creation of the Joint Cabinet Committee after the 1997 general election was seen by many in the party as an example of Paddy Ashdown bouncing the party, because the previously agreed FRED phone-tree process (Fast Reaction, Early Decision), designed in the case of a hung parliament, was not invoked and

many MPs had almost no advance notice. This suggested that, unless significant action was taken, Ashdown would not consult in advance on future similar such decisions.

- 13 The three numbered paragraphs gave rise to the term 'triple lock', though journalist Brendan Carlin initially christened it the 'quadruple lock' due to the two parts of the first stage.
- 14 Despite being an amendment to a motion from the Federal Executive, the FE ended up not opposing the amendment.
- 15 A similar view was taken by the Federal Executive at its first meeting after the 2010 general election, when Philip Goldenberg argued that the triple lock was not constitutionally binding. In 1998 there was a late attempt to derail the amendment for being unconstitutional at an FE meeting after conference. Tom McNally moved a motion calling on the party president to seek legal advice on its constitutionality. The motion was defeated fifteen to one.
- 16 Interview with Chris Rennard, 2010. Ashdown had told his wife before the 1997 election that he would not continue as party leader all the way through the 1997 parliament. However, the failure of his political strategy both brought forward and confirmed these plans.
- 17 This included, on one occasion, looking at the timescales and practicalities in response to a request from the then chief whip, Paul Burstow, who was in charge of planning how the party might handle a hung parliament.
- 18 David Howarth was an exception to this. He did not see the number of steps involved as posing a problem if a general election resulted in a hung parliament, as he believed that the formation of a government could, and should, be slowed down to accommodate the process. See David Howarth, 'A Coalition is Born', *Journal of Liberal History* 70 (spring 2011), pp. 40–45.
- 19 Hence one phone call from a party officer to the author asking if the triple lock still applied and if he could be sent a copy.
- 20 The extent to which the triple lock had become the default way of doing things was also shown in the lack of reaction to a ruling by the Federal Appeals Panel in 2010 that the triple lock was unconstitutional. That ruling may result in constitutional changes ahead of the 2015 general election, but it has not caused any desire to abandon the process.
- 21 Conversation with the author, autumn 2010.