

# **The Scottish independence referendum: the choices and what may happen**

Presentation by Alan Trench for  
Observatory III on 'New Tendencies of  
Federalism in Europe'

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# How we got here

- Referendum came on agenda after SNP formed minority government in 2007, and became unavailable after they won majority in 2011 Scottish elections
- Preceded by 'National Conversation' about Scotland's constitutional future
- Unionist response: to extend devolution with modest measure of fiscal devolution (Calman Commission + Scotland Act 2012)
- 2011 election meant Holyrood had a political mandate for a referendum but no legal powers; Westminster had the legal powers, but no mandate

# The 'Edinburgh Agreement'

- An intergovernmental agreement, including an order extending the legislative competence of the Scottish Parliament to hold a referendum on independence provided:
  - It is held by 31 December 2014
  - There is only one question, and two options, put to voters, and no other referendum on the same day
- Referendum to be regulated by Electoral Commission – which includes advice about 'intelligibility' of the referendum question
- Allows Scottish Parliament to decide if under-18s may vote (requires separate electoral list)

# The 'Edinburgh Agreement' II

- Each government had different criteria for the referendum
  - Scottish Government: 'Made in Scotland'
  - UK Government: 'legal, clear, fair and decisive'
- The Edinburgh Agreement was a sensible compromise, in the interests of both governments - but was not inevitable
  - On UK side, some hardline unionists wanted UK to call a referendum, despite lack of mandate and risks of that being seen as biased
  - On SNP side, suggestion would rely on Holyrood's inherent legal powers to try to call a referendum on their own terms (including a 'devo max' option)

# Referendum timetable

- Section 30 order currently before both Parliaments. Due for final approval February 2013.
- Scottish Govt's proposed question already unveiled:  
*"Do you agree that Scotland should be an independent country?"*
- Referendum bill to be introduced into Scottish Parliament in 'early 2013', approved November 2013.
  - Also a 'paving bill' to allow for registration of under-18s
- Independence white paper – Scottish Govt's plans – also due November 2013
- Other events in 2014 include Commonwealth Games in Glasgow, commemoration of 1314 Battle of Bannockburn

# The SNP's vision of independence

Don't see 'independence' as matter of sovereignty (let alone secession from UK), but as matter of self-government

See independence as involving multiple unions:

- Of crowns (Queen and heir to be head of state)
- Currency/monetary union (keep pound sterling)
- The European Union
- Defence – NATO
- Social union (travel area; what else?)
- Energy union
- 'Cultural union'
- Practical services (vehicle licensing, official maps)

Often described as 'independence lite'

# The 'Yes' campaign

- The SNP decided in mid-2012 to go all out for 'independence', not to pursue 'devo max' as well
  - Embracing the 'straight choice' between independence and Union
- 'Yes Scotland' already established, staffed and quite well organised
- Well funded (£1 million legacy from Makar + £1 million gift from lottery winners)
- SNP clearly in the lead – but campaign includes Scottish Greens, Scottish Socialist Party (Trotskyist), and other groups
- SNP positions criticised by others for being too moderate and conservative (monarchy, NATO)

# **There are tough questions about SNP's model of independence**

- What sort of a deal would Scotland get on dividing up UK assets and liabilities – the National Debt (including Scottish-based banks), North Sea oil and gas?
- What happens if Scotland is not a member of the EU on day one?
- What sort of control over Scottish borders and immigration policy would be necessary for a common travel area?
- UK remains committed to independent nuclear deterrent based on submarines, but that can't work without bases on the Clyde. So ...?



# The No campaign

- ‘Better Together’ – trying to be pro-Union campaign, not just negative
- Brings together 3 unionist parties. Conservatives, especially English ones, wisely keeping low profile
- Figurehead Alistair Darling, ex Chancellor of the Exchequer (UK finance minister)
- Somewhat less well organised and funded than Yes campaign at present
- Message so far largely negative, though

# The No campaign's referendum strategy

Essentially an 'excluded middle' strategy – to ensure voters not committed to independence vote for the Union

By a combination of negative tactics

- Independent Scotland won't have much weight in the world, count for much etc
- Questions about the proposed form of independence and how workable it is
- Plus appeal to 'primordial unionism' – sentimental attachments etc

Plus a vague offer of 'more devolution' in future if there is a vote to say in the Union

# Schemes for 'enhanced devolution'

Unionist parties all committed (in different ways & to different degrees) to 'more devolution' for Scotland

- Lib Dems: Home Rule & Community Rule Commission reported October 2012
- Labour: Devolution commission established September 2012
- Conservatives: diffuse offer of 'something more'. Cameron hints at income tax. No process within the party, but hints of a 'constitutional convention for UK'
- Devo Plus group, linked to Reform Scotland think-tank
- Plus other initiatives: civil society led by SCVO, STUC

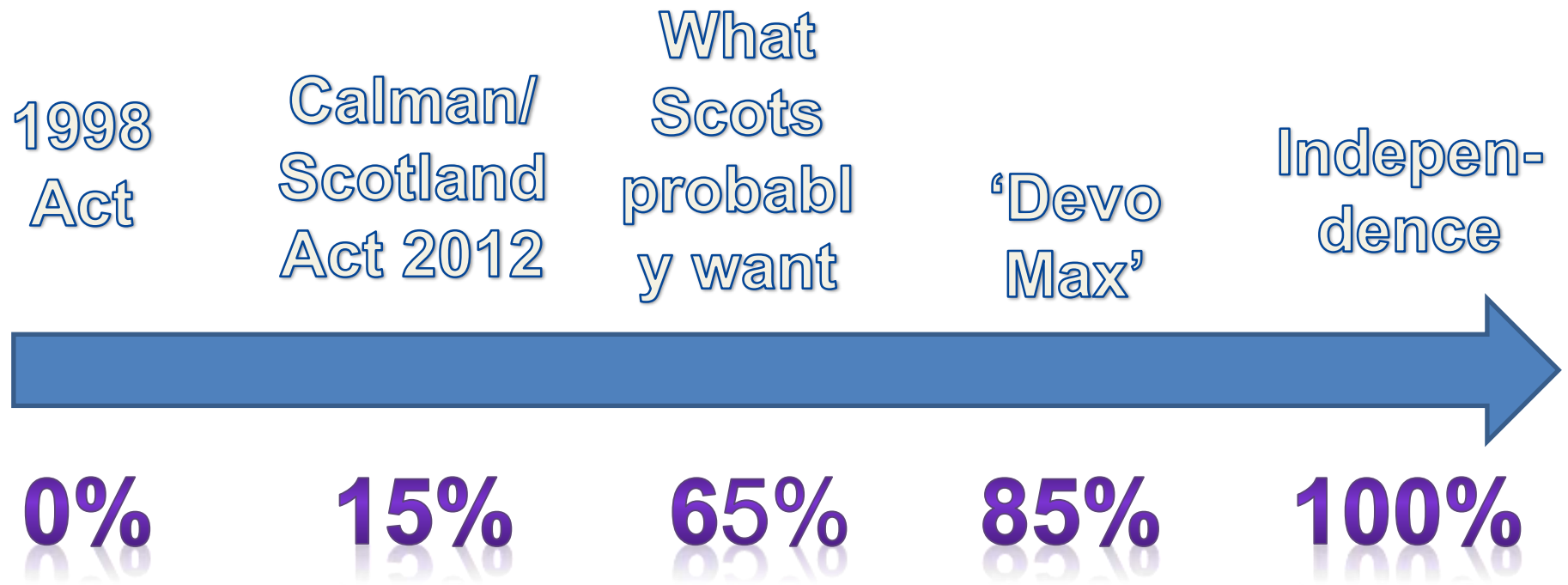
# **The problem with the No campaign's referendum strategy**

Public opinion polling shows that the preferred option of Scottish voters is to stay in the Union, with more devolution

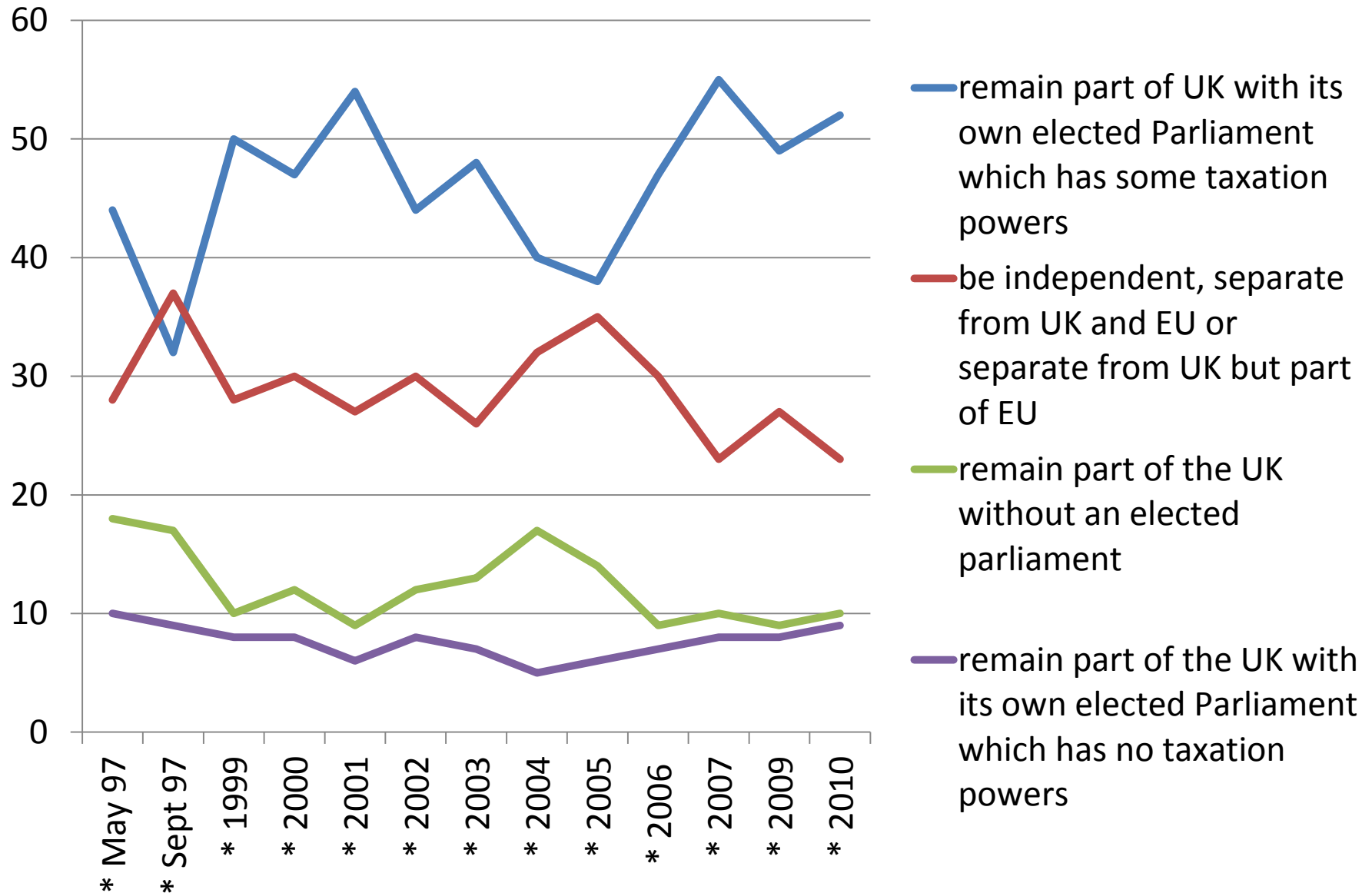
But that is not on the referendum ballot paper, for good reasons

Assuming that pro-Union voters who want more devolution will vote to stay in the Union is a high-risk referendum strategy – and higher-risk than it may first appear

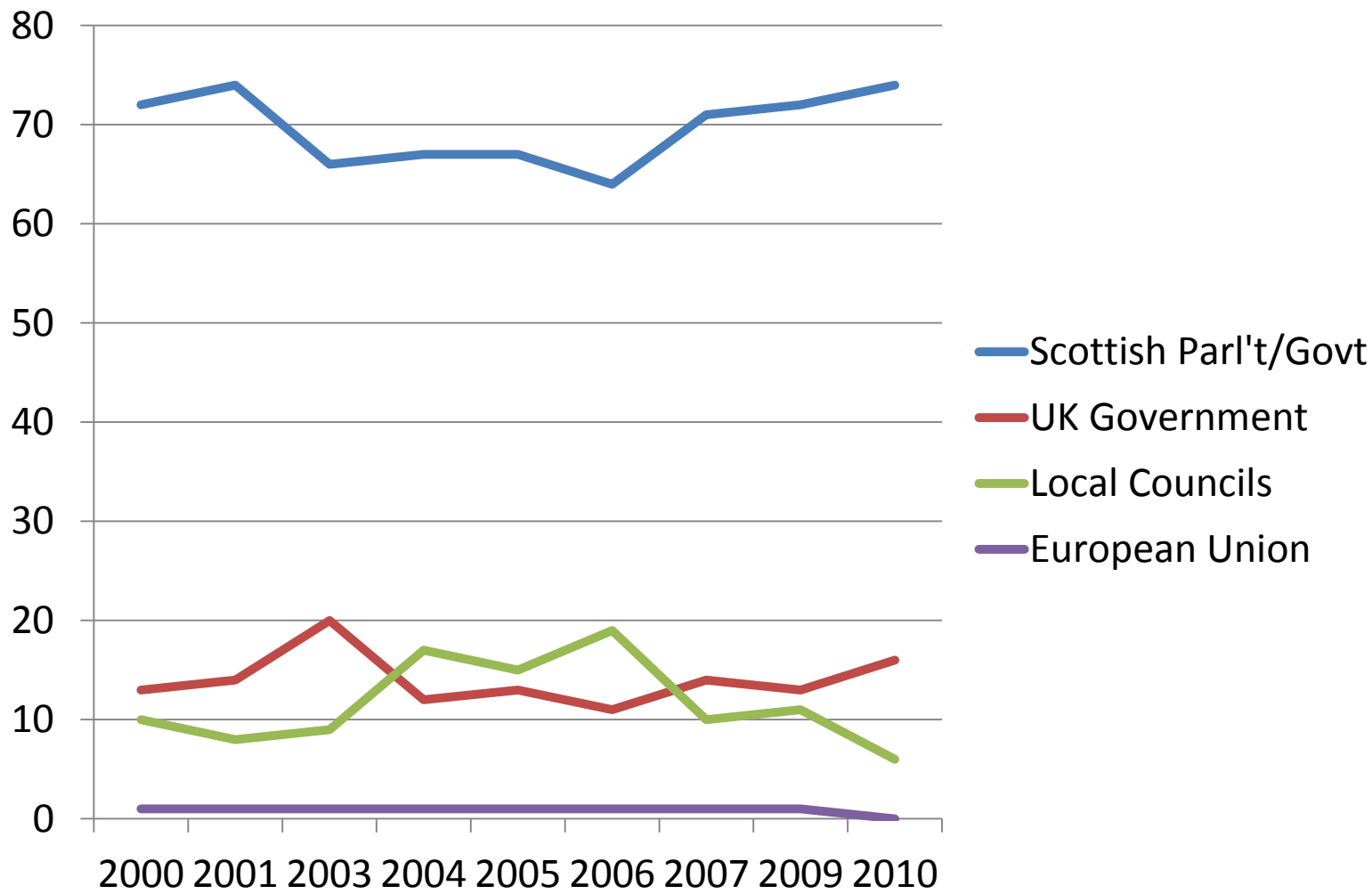
# Scottish Constitutional Positions and Perceptions



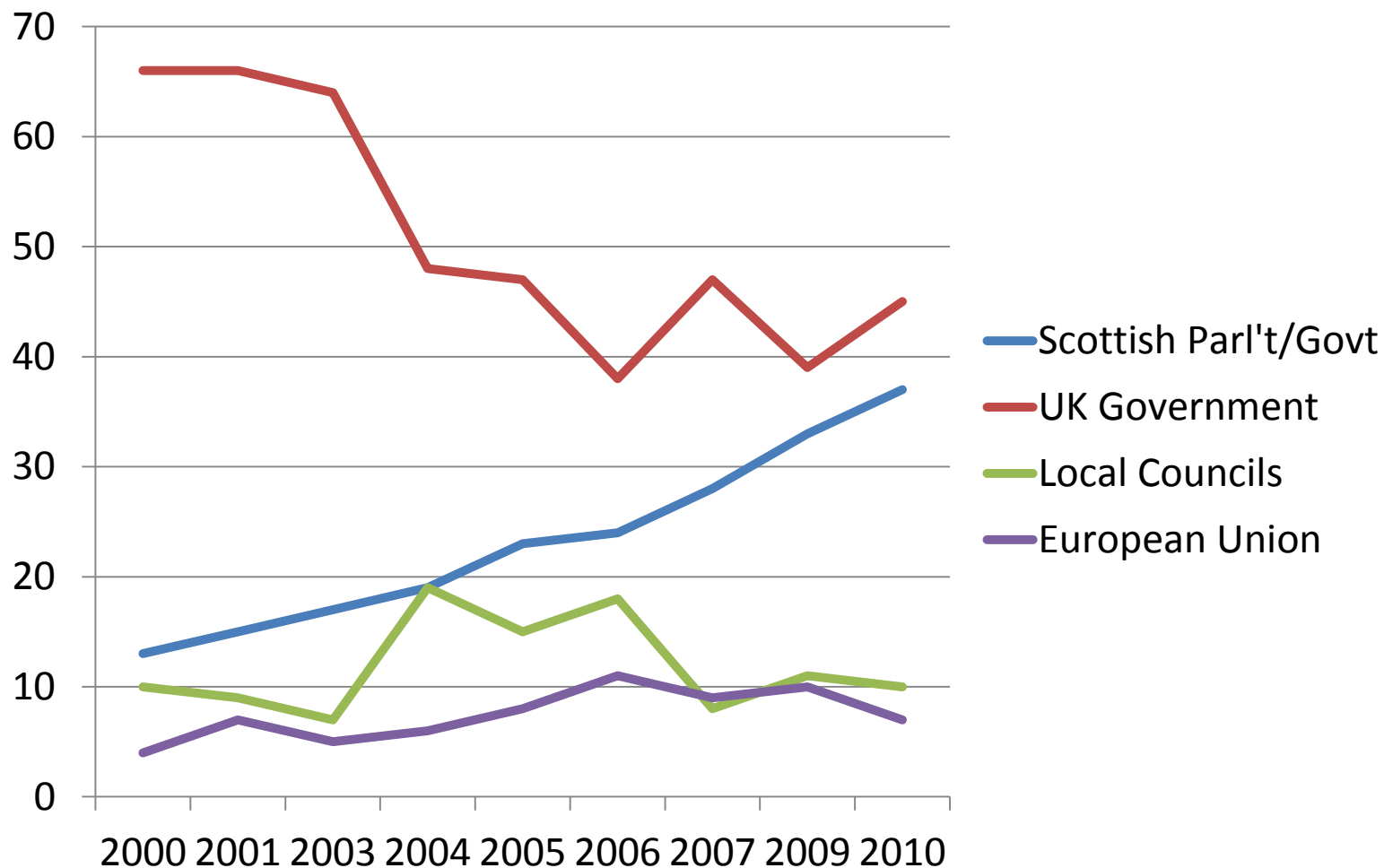
# Constitutional Preferences In Scotland, 1997-2010



# Who ought to have the most say over how Scotland is run? (%)

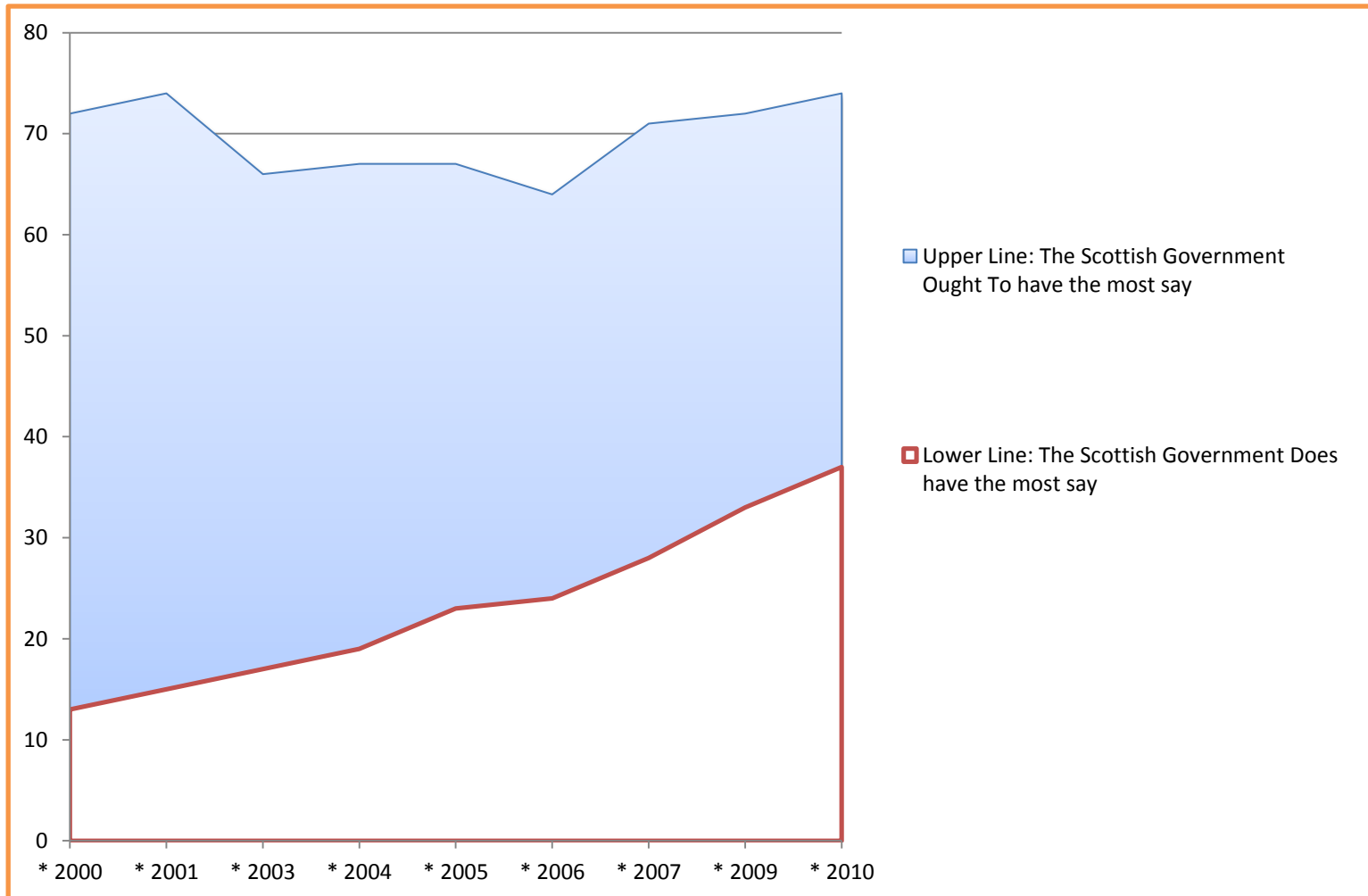


# Who has the most say over how Scotland is run? (%)

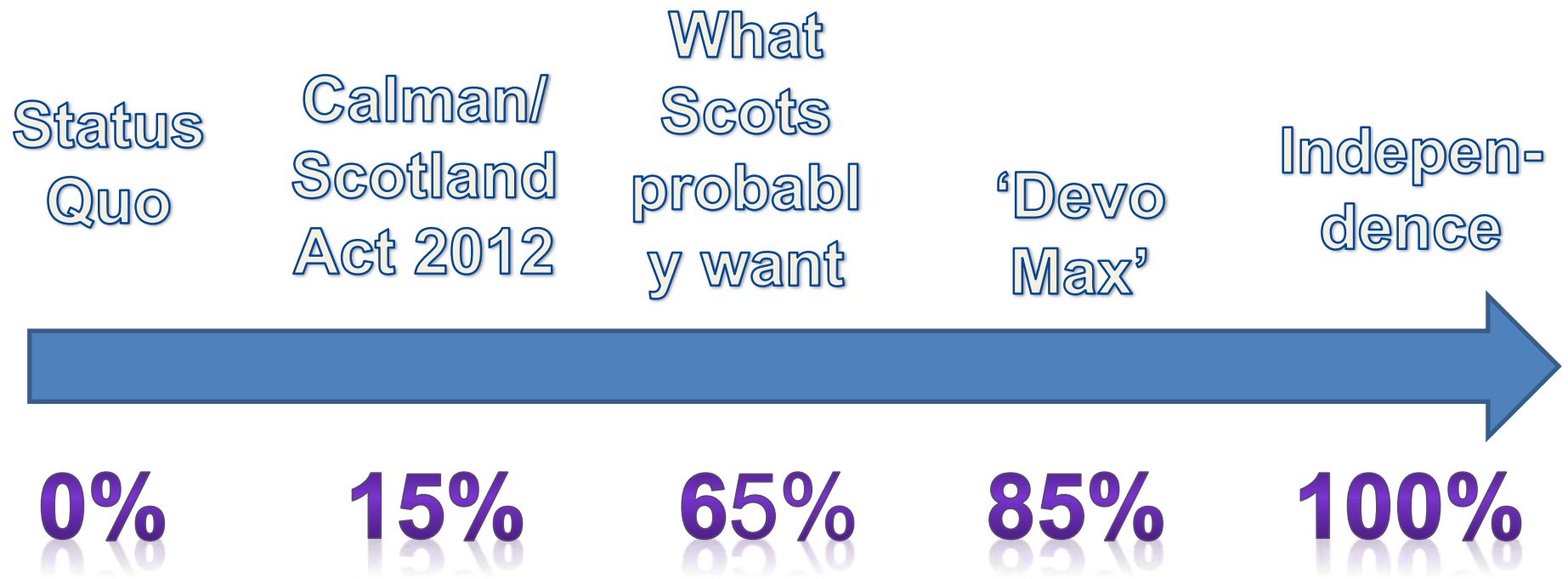




# Discrepancy between where Scots want the power to lie, and where they perceive it to lie



# Scottish Constitutional Positions and Perceptions



# What powers does the Scottish public want devolved?

*From Scottish Social Attitudes 2010: Who ought to make important decisions about ...*

	Scottish Parliament	UK Government at Westminster	Local councils in Scotland	European Union
Health service	66	26	5	-
Schools	62	14	23	-
Welfare benefits	62	25	9	1
Level of taxes	57	37	3	-
Defence & foreign affairs	31	63	1	3

## So ...

- it's quite plausible that 'independence' will win at a referendum – despite only getting around 1/3 of support in most opinion polls
- A sub-optimal result for Scottish voters – who won't get what they want
- Which is a compelling reason for the pro-Union side to make 'enhanced devolution' part of its 'offer' at the referendum
- And to do so in a way that convinces Scottish voters it can and will be delivered

# What does 'enhanced devolution' look like?

- No single vision (yet)
- Likely to involve considerable fiscal devolution, including personal income tax
- Questions about corporation tax and assigning VAT
- And some way of devolving aspects of welfare – a top-up arrangement most workable one
- Other functions: broadcasting, immigration. EU business?

# The future of the UK is not just about Scotland

- Demands for corporation tax devolution from Northern Ireland
- Fiscal devolution for Wales: Silk Commission report, November 2012
  - A similar package to Scotland Act 2012 – to be enacted in this Parliament, in force by 2020
- The English are becoming uneasy about devolution, and increasingly conscious of their own political nationhood – but they don't know what they positively want
  - 'English votes for English laws' in UK Parliament the easiest answer, but far from straightforward

# In conclusion

- Belief on the unionist side that referendum will easily be won is unduly complacent – that is the more likely outcome, but result may be close and Yes campaign may win
- In any case, that involves denying Scottish voters the constitutional choice they really want
- Including that choice as part of the overall referendum process would help ensure a No win, as well as maintain democratic legitimacy

**Read more on the Devolution Matters  
blog:**

<http://devolutionmatters.wordpress.com/>