

# Elections to the Scottish Parliament on 6 May

## What they mean for UK

by Colin A. Munro



### Summary

During a visit to Scotland on 27 January for photo opportunities with military and NHS staff combatting the COVID 19 pandemic, Boris Johnson said: “Wild horses will not keep me away from Scotland during the election campaign. I’ll be campaigning across the whole country”.

He didn’t. There can be little doubt that Douglas Ross, Conservative and Unionist Party leader in Scotland, persuaded Johnson not to boost the SNP/Green share of the vote by campaigning in Scotland.

Johnson – who has proclaimed himself “Minister for the Union” – now appears intent on ignoring, or refusing to consent to the wish of SNP/Green majority in Edinburgh to hold a second referendum on independence. The government in London is holding firm to the position – correct in law – that a referendum on independence is a reserved power. Westminster rules: in this case against a second referendum.

In the Brexit negotiations, the UK government’s overriding objective was to regain sovereignty for the Westminster parliament. Damage to the UK’s security, prosperity, and territorial integrity was less important. Johnson lied to the unionists in Northern Ireland (NI), about the provision in the Withdrawal Agreement (WA) for a border between Great Britain and NI, with consequences now visible with regard to implementation of the Northern Ireland Protocol. Johnson and his minions are not – at least not yet - telling outright lies in Scotland.

But proclaiming devolution a disaster and accusing First Minister Nicola Sturgeon – a famously canny politician - of irresponsible and reckless behaviour, is Johnson’s way of asserting the sovereign supremacy of the House of Commons, where his largely English party enjoys an absolute majority. He can indeed dictate to a country which consented to the union in 1707.

## Detail

The Scottish Parliament is elected, like the Bundestag, by proportional representation, a system which, unlike elections to the House of Commons, is designed to prevent absolute majorities, and ensure approximate equality of vote when more than two parties are competing. Each elector has two votes, one for a constituency MSP, one for a party list. Including votes for Alex Salmond’s new Alba party (no seats won), pro- independence parties won 50% of the vote, as did pro union parties. This election confirmed a trend in favour of independence since the referendum (45%) in 2014, evident since the UK general election of 2015 when the SNP won 50% of the vote (and 56 of 59 seats), and reinforced in 2016 by opposition to Brexit – 62% for remain in Scotland. Meanwhile, the Conservatives have consolidated their position as the leading, avowedly pro union opposition party in Scotland. In the medium to longer term support for the union is likely to decline. Up to age 35, 72% favour independence. In the 35-54 age bracket, 59% are pro-independence.

The 62% turnout on 6 May, was the highest at any election to the Scottish Parliament since it reconvened in 1999, but 20% below the turnout at the referendum in 2014. The SNP now has 64 seats – more than Conservative, Labour, and Liberal Democrat combined (57), while the Scottish Greens have eight.

At local elections in England the Conservatives gained nearly 300 seats. The Labour party is in turmoil after losing the pro Brexit constituency of Hartlepool, a former stronghold in the north of England. But Labour consolidated its position in Wales, winning 30 of 60 seats in the Welsh Parliament. The Labour Party also remains in charge of London (Mayor Sadiq Khan) and Manchester (Mayor Andy Burnham). Elections will be held in Northern Ireland next year.

The Prime Minister’s first move since the Scottish election, has been to convene a Covid recovery summit with the heads of government in Northern Ireland, Scotland and Wales. The SNP support this. They have made it clear that there can be no question of Indyref2 so long as the pandemic persists. Johnson’s next move will be to woo Scottish voters with a Scottish version of the levelling up agenda, channelling Treasury funds to local authorities and private bodies with a Union flag attached, to demonstrate its beneficent power, bypassing the Scottish parliament and government. This was evident in the Queen’s speech at the state opening of parliament on 11 May. However, the Conservatives control only 6 out of 32 local authorities in Scotland. The political impact of Conservative pork barrel largesse in areas controlled by SNP, Labour and Liberals is untested in Scotland. It might also be perceived as contrary to the spirit and principles of devolution, and would probably be unpopular in England.

The union of Scotland with England (and Wales) was achieved, indeed bought, by a vote in favour in the Scottish Parliament in 1707. Neither parliament was democratic by contemporary standards. Initially the union was not popular. Such a “parcel of rogues in a nation” proclaimed the national poet, Robert Burns, eighty years later.

But the rogues, Protestant like their English counterparts, consented to the union. Unlike Roman Catholic Ireland which was incorporated, effectively as a colony, after a rebellion in 1798 during the war against revolutionary France. The rebels had aimed to establish an independent republic inspired by the French revolution.

Michael Gove (Minister for the Cabinet Office), who understands Scotland (educated in Aberdeen), is now trying to prevent Johnson from using reserved powers to block a block a referendum. Using law, derived from the sovereignty of the Westminster parliament to frustrate the manifesto commitment of parties elected to test whether the people of Scotland still consent to the union that they joined in 1707, would scarcely be democratic. Moreover, in 2014 Prime Minister Cameron advised Scots to vote against independence, to be sure of staying in the EU. Brexit may still be popular in England, but not in Scotland, where, at the European elections in 2019, Farage's Brexit party (the only pro Brexit party in Scotland) won just 14% of the vote. The Labour party's vote collapsed. The UK's longest serving MEP (Labour) lost his seat. David Martin argued that "the UK would no longer exist unless a flexible and imaginative Brexit solution was found for Scotland." He himself would be inclined to vote for independence in future.

Johnson's Brexit solution is the antithesis of flexible and imaginative. It has increased support for independence, but made achieving it, and rejoining the EU, much more difficult than if both countries had been EU member states. As in the case of Northern Ireland, there would have to be a border. There would, at least initially, be a high economic price to pay for independence. That price might be reduced – also for NI - if the UK agreed to remain in alignment with EU rules on food safety. However, sovereign freedom to diverge from these EU rules is perceived – correctly - in Whitehall as a sine qua non for a free trade agreement (FTA) with the US, allowing the import of cheap chlorinated chicken etc. But Biden and Congress have another FTA condition: absolute adherence to the Good Friday/Belfast Agreement (1998). There is simply no prospect of an FTA with the US in the period ahead. Meanwhile, the UK is trading effectively with the US under WTO rules favoured by the Conservative Party. But not as effectively as EU member states, Germany and France, which both have substantial surpluses.

In December 2020 Sir Keir Starmer, advised by Gordon Brown, launched a constitutional commission to deliver "real and lasting political and economic devolution" across the country. Brown has returned to the charge since the election, proposing a new devolution settlement. These proposals are making little or no impact. Labour came third on 6 May, just behind the Conservatives. Nor is there any evidence that the Conservative government is prepared for the sort of ambitious constitutional engineering that would be required to have any chance of generating support in Scotland for enhanced devolution.

The prospect, for the period ahead is:

- Cooperation on Covid recovery,
- Attempts to woo Scottish voters with largesse, demonstrating the economic power of the union,
- IndyRef2 legislation in the Scottish parliament.

The UK's post Brexit economic decline will be one part of the backdrop. Another will be the Northern Irish imbroglio. Yet another will be increasing sympathy for Scotland in the EU, exasperated by Johnson's failure to observe the principle of *pacta sunt servanda*. Both sides will be watching the opinion polls.

In 2014, there was relatively little discussion of the implications of Scottish independence for the UK's position as a nuclear power and one of five Permanent members of the UN Security Council. The SNP's position is that Scotland should remain in NATO, but not as a nuclear power. Thus, one of the most difficult, perhaps the most difficult question, would be the future location of the UK's submarine based strategic nuclear deterrent, which is based in Scotland. The government in London is extremely reluctant to engage in public discussion of this issue, afraid of wrecking the UK's defence posture and increasing the likelihood of independence. But options are being considered, including basing the (rest) UK's Trident ballistic missile submarines (SSBN) in France or the US! Claims that Scotland would be kept out of NATO as a nuclear alliance are absurd. What about Denmark, or Norway? The former British Ambassador to NATO, Dame Mariot Leslie, supports Scottish independence, as did the late Alyson Bailes, my friend and contemporary in the FCO, an acknowledged expert on the security of small states, and former Director of the Stockholm International Peace Research Institute. Before her untimely death five years ago, she had been advising the Scottish government on the defence and security policies that they should pursue on independence, which she supported strongly. (Alyson Bailes also wrote the "Evolutionary History of the EU's Security Strategy," adopted in 2003.)

## Conclusion

The Conservative Party, and indeed the UK as a whole, have more to lose than the SNP. Even if the SNP/Greens should lose a second referendum in the next few years, that would not be the end of the Scottish aspiration for independence. But for a Conservative and Unionist Prime Minister to lose the union – Scotland is 32% of its land area - would be a disaster.

## Comment

Lord Carrington once said that the strength of NATO, led by the US, was that its members had consented to sing in harmony. Members of the Warsaw Pact were forced by the Soviet Union to sing in unison. Lord Carrington's aphorism applies in equal measure to the *modus operandi* of the European Union. From 1998 until Brexit, it had also applied to relations between Great Britain and NI and between the United Kingdom of Great Britain and Northern Ireland and the Republic of Ireland. The UK will not stand in the way of Irish unification if that is the will of the majority in NI and the Irish Republic. Brexit has upset the compromises inherent in the Good Friday/Belfast agreement, and fuelled support for independence in Scotland. But, a 50/50 split is far short of the consent that should be required for such a momentous step. The SNP would be well advised to refrain from holding IndyRef2 until the polls show a really substantial majority in favour. It is not Johnson's style, to build consensus for an exit from Brexit in its present form and a genuine reformation of the British state, including abolition of the sovereign supremacy of the Westminster Parliament. The complacent English may not wake up until it is too late.

## Postscript

There are many references nowadays to the union of the parliaments in 1707, and a few to the union of the crowns in 1603 when the son of Mary Queen of Scots, beheaded by Elizabeth Queen of England, already James VI of Scotland, became James I of Great Britain, and decamped to London. The union of the crowns took place after the Reformation in both countries. In 1543, when Henry VIII was pursuing his reformation – essentially a power struggle with the Pope – in England, he also declared war on still Roman Catholic Scotland in an attempt to force through a marriage between his infant son, Edward, and Mary, thus breaking Scotland's alliance with France. This Anglo Scottish war was violent even by the standards of the time. Large parts of southern Scotland were devastated. Henry's attack ignited civil war in Scotland. Eventually, with massive French assistance, the English withdrew. The idea of Mary marrying Henry's son was most unpopular in Scotland. Hence Sir Walter Scott's description of these events nearly three hundred years later as the "Rough Wooing." We may rest assured that Johnson is more Falstaff – a fat vain boastful knight – than Henry. There will be no rough wooing. It was Johnson's predecessor who was tempted to use Henry VIII's powers.

Let us have your views and comments!

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### *About the author*



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