

Constitution and independence referendum briefing Scotland



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by David Bradwell

Background

The issue of Scottish independence or continued union within the UK continues to be the major fault line in Scottish politics. The months and weeks building up to the election in May appear already to be dominated by the political parties supporting or opposing the holding of a referendum on independence during the lifetime of the coming parliament.

In 2014, the referendum was held following an agreement between the Scottish and UK Governments, and the authority to legislate to hold a referendum was temporarily granted by Westminster to Holyrood.

Unionists have pointed out that in 2014 independence campaigners themselves argued that it was a 'once in a generation' vote, and so have argued that at least 40 years should elapse before another independence referendum is held.

Supporters of independence counter that because Scotland voted nearly two to one to remain in the European Union in 2016, but was taken out of the EU, the single market and the customs union, the people of Scotland should be given the choice to look at the question of independence again. They also say that as part of the Good Friday Agreement in Ireland, there is legislation setting the minimum time limit between any referendums on reunification; there it is only seven years. Waiting for 40 years between polls would, they argue, mean that people who were too young to vote in 2014 would be denied a say in determining how their country is governed.

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One of the challenges for this election is that it will be conducted as a ‘referendum on whether there should be a referendum’, and while this may be an important issue for many people, the wider powers and responsibilities of the Scottish Parliament also need to be remembered; education, health, transport, communities, local government, social care and so on.

What are the Churches saying?

None of the Churches in Scotland have taken sides in the independence debate; though there are moral and ethical issues involved in how a society is governed, it has so far not led to any Church coming down in favour of independence or union.

In the 1980s and 1990s, some Churches supported the Scottish Constitutional Convention, a cross-party and civic movement that led to the campaign for devolution and the setting up of a Scottish Parliament. This movement asserted the *sovereign right of the Scottish people to determine a form of government best suited to their needs*, and pointed out the unfairness in Scotland, with its distinct identity, history, law and culture, consistently voting for one political party only for the Government of the UK to consist of a very different ideology. The impact of Brexit on Scotland is only just beginning to be felt, but for many people the issue of the ‘democratic deficit’ in the outworking of Brexit has presented itself again, and that this is a moral and ethical issue, to which the only resolution can be found in putting the question back to the people.

In all the debates between Yes and No, the Churches have tried to articulate a vision for what Scotland’s future could be like: not dependent

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on a constitutional framework, but rather a society that is more fair, equal and just. The challenge from the Churches to the politicians is to frame their constitutional arguments in a way that would contribute to the development of this vision.

Alternatives

It remains to be seen how the pro-independence parties will do at the election, but there are already UK unionist parties seeking to look again at the wider issues of how devolution is working, the impact of Brexit and changes made by the recent UK Internal Market Act which allows UK ministers to fund activities in the devolved nations and on areas of activity that had previously been the responsibility of the devolved legislatures. Ideas about a more federal UK, with greater recognition of the regions of England, reform of the House of Lords or considering full 'Home Rule' for Scotland are now on the cards. If an independence referendum does not happen, or if it does but the result is another 'No', the prospect of wider constitutional change is increasingly likely in the next few years.

Questions for candidates

1. For supporters of independence: if unionist parties form a majority in the new Parliament, will you stop calling for a referendum?
2. For supporters of the union: if nationalist parties form a majority in the new Parliament, will you support them in their calls for a referendum?
3. How does your preferred constitutional arrangement contribute to a vision of Scotland that is fairer, more equal and more just?

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Contact

We would like to know how this guidance was useful and what should be added or changed for future publications.

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