

Getting ahead of the curve

What next for Scotland and the Union?

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Alun Evans has been Chief Executive of the British Academy since July 2015.¹ In his previous role, he headed the Scotland Office, the Whitehall department which made the case for Scotland to remain part of the UK in the Scottish independence referendum in September 2014.

On 16 September 2015, Alun Evans gave his Chief Executive's Inaugural Lecture on 'Getting ahead of the curve: How to stop playing catch up on Scotland', offering some personal reflections on events leading up to and following from the Scottish referendum. In this article based on that lecture, he focuses on the hurly-burly of the 2014 referendum campaign, and his own suggestions for securing a long-term future for the Union.



The full lecture can be heard via www.britishacademy.ac.uk/gettingahead/

On 16 September 2014 – and in one of the clearest signs that the 300-year-old Treaty of Union was at risk – the three main UK party leaders (David Cameron, Ed Miliband and Nick Clegg) published their famous 'Vow' on the front page of the *Daily Record*, Scotland's biggest selling paper. In that vow they made a commitment to further devolution to Scotland in the event of a 'No' vote in the independence referendum, which was only 48 hours away. Some saw this as a panic reaction. The No campaign was firmly on the back foot. The Scottish National Party (SNP) and the Yes campaign appeared to be calling most of, if not all of, the shots in the Scottish referendum campaign – notwithstanding the

1. An interview with Alun Evans was published in *British Academy Review*, 26 (Summer 2015).

return of Gordon Brown, who made some barnstorming speeches in defence of the Union. The supporters of the Union seemed to be perennially 'behind the curve' and playing a game of 'catch up' with the independence bandwagon.

Publicly the Yes campaign appeared to be in the ascendency, with far fewer public displays of support for the No or Better Together campaign.

Then on 18 September 2014 – and on a turnout which was the highest in a national poll or referendum since the Second World War – 45 per cent of the population of one part of the United Kingdom voted to leave the Union. Had the vote gone differently – and in favour of Scottish independence – we would now be in the midst of the most complex and contentious negotiations between two democratic and legitimate governments, to break up the 1707 Treaty of Union, and to create the conditions for Scotland to become an independent nation state, separate from the remainder of the United Kingdom.

And since the referendum, the SNP has still been calling all the shots. The Yes campaign – which lost the referendum by over 10 per cent of the votes – has maintained the initiative. The referendum was meant to settle the issue for a generation. It didn't even do so for a year.

In this article, I try to answer the following questions:

- How and why did the Scottish National Party (SNP) become such a dominant force in Scotland, both up to and since the referendum?
- What might the future hold? Is a second referendum inevitable at some point? And what might supporters of the Union do if they wish to avert independence second time around?

The elections of 2010 and 2011

When the SNP first gained power as a minority Government, elected in 2007 with only one seat more than Labour, few expected it could last out a full four-year term. But it did. Alex Salmond, although not universally popular,

was an effective First Minister. One of his first acts was to rename and rebrand the former Scottish Executive as the Scottish Government. Without a parliamentary majority Alex Salmond showed, through this and other actions to raise the profile of the Scottish Government, that there is a lot more to effective government than constantly legislating. Perhaps there may be a wider lesson here for the Westminster Parliament and beyond.

In 2010 and 2011 expectations were turned on their head. In 2010 after the General Election in the United Kingdom, and for the first time since the Second World War, a formal coalition emerged under an electoral system which it had been argued had the benefit of producing single-party governments. A year later in the Scottish election, and under an electoral system which many had argued would tend to produce coalitions or minority government, the contrary happened. With 42 per cent of the votes and only 22 per cent of the electorate who voted, Alex Salmond and the SNP emerged triumphant – winning 69 out of the 129 seats.

In its manifesto the SNP had committed to holding a referendum on Scottish independence and so entered into negotiations with the UK Government.

For its part, the UK Government had already acted on the recommendations of the Calman Commission and was pushing ahead with plans for further devolution – which would be introduced via the Scotland Act 2012. But, as ever, Salmond and the SNP appeared to be setting the agenda. The Westminster Government was playing what I have called ‘catch up’ with the Scottish Government. Alex Salmond was ‘making the political weather’, using his electoral mandate to seek the power from the Westminster Government to hold a Yes/No referendum on Scottish independence. Which was what happened. The negotiations were led for the Scottish Government by Nicola Sturgeon, the Deputy First Minister, and for the UK by the Scottish Secretary, Michael Moore. Between them they crafted the plans for the referendum, encapsulated in the Edinburgh Agreement of October 2012. The UK Government rejected the Scottish Government’s pleas in the negotiations for the inclusion of the so-called ‘Devo Max’ option to be on the ballot paper. So the Agreement eventually allowed only for the decisive Yes/No referendum to be held before the end of 2014.

The referendum campaign

There followed a two-year, bitterly fought, intensive and divisive campaign. The battleground for the referendum revolved around a number of recurring themes – currency, the economy, defence, welfare, energy and cultural heritage. The UK and Scottish Governments engaged in claim and counterclaim, winning ground one day and then losing it the next, in the electoral equivalent of trench warfare.

Constitutionally it was fascinating. Here were two wholly legitimate democratic governments within the same country, each arguing for polar opposites in policy terms. There could be only one winner and it would take two years to find out who that would be.

I was the head of the UK Government department responsible for Scotland – the Scotland Office – during this period. What was it like to be in the thick of it? How did the campaign work? What were the relationships between Ministers and officials like? How effective was the No campaign? How and why did the No campaign come so perilously close to losing the referendum?

Two points are worth stressing at the outset. First, presentationally the challenge to make positive virtue out of ‘No’ was not easy. We had to try to turn ‘No to independence’ into a positive case for the Union. That was not going to be easy – in particular after the phrase ‘Project Fear’ was first unfortunately used by someone from the No campaign and leaked to the Yes side. The phrase stuck and it gave the Yes campaign a stick with which to attack all aspects of the No campaign as being innately negative.

But second, and far more significantly, the Yes campaign was united in all ways. The No campaign at times only appeared united in its opposition to independence. On the Yes side there was a unity of purpose and strategy between the Scottish National Party, the Scottish Government and the Yes campaign. By contrast, the three main UK parties were politically disunited and only worked together on this one aspect; the Government was a coalition and had differing approaches to handling the referendum; and the Better Together campaign started slowly, and was far less organised than the Yes campaign. Better Together did, later in the campaign, get its act together under the steady leadership of Alistair Darling. But at the start of the referendum it appeared on the back foot, and indeed flat-footed.

The SNP leadership of the Yes campaign had strong support and high visibility in Scotland. By contrast many of the key UK politicians on the No side – as Conservative cabinet ministers – were unpopular in much of Scotland. The Chancellor of the Exchequer, George Osborne, and the Home Secretary, Teresa May, rarely ventured north of the border, and even the Prime Minister, David Cameron, only made occasional and targeted visits to Scotland. On the No side, of the Labour politicians, Alistair Darling was an effective campaigner, as was Gordon Brown – although he only entered the political fray late on. The Scottish Liberal Democrat ministers were also involved in the campaign, but were less high profile.

Public opinion was divided and, early in the campaign, the No side was clearly ahead in the polls by a ratio of some 2:1. This allowed us to play to our strength – the economic arguments. The Treasury led the Scotland Analysis Programme – or SAP – and, over the two years of the campaign, produced 15 SAP Documents covering all of the arguments about independence – from energy to welfare, from defence to science and research. The work was led by the Permanent Secretary to the Treasury, Sir Nicholas Macpherson, who gave the programme leadership through chairing the Steering Group personally, and resources in terms of allocating Treasury officials to work on the documents. Later in the campaign Macpherson became a prominent figure himself (unusual for a civil servant) following his decision to make public the advice he gave the Chancellor, George

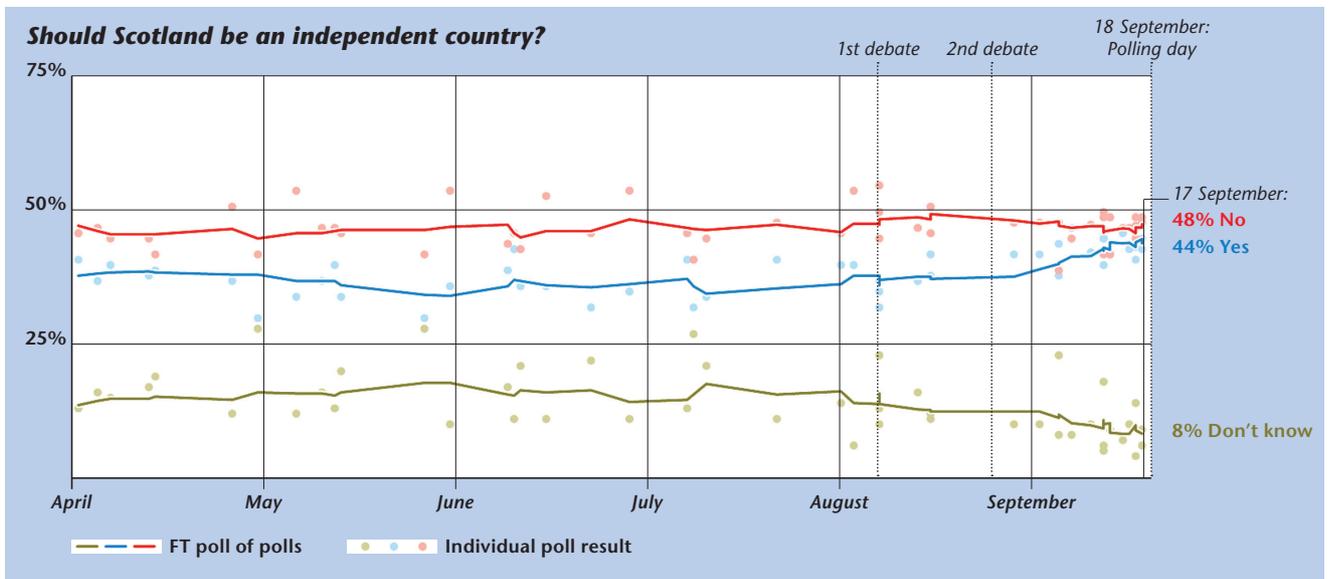


Figure 1
The *Financial Times*'s Scottish independence poll tracker

Osborne, opposing the Yes campaign's arguments for a sterling currency union with the UK in the event of independence.

I felt throughout the whole referendum period that the No campaign's economic arguments were stronger than those in the Yes campaign's 'White Paper' – predicated as it was on an oil price of around \$100 a barrel, as opposed to the price of closer to \$30 today.

However, whilst the Treasury gave a strong lead on economic messaging, the No campaign suffered from having no really strong ministerial or departmental lead. There were four key departments involved: the Scotland Office, the Cabinet Office, the Treasury, and No. 10. The Scotland Office was technically the lead department but, as a small department and led politically by the junior coalition partner, we were the least powerful department. Our advantage was that we knew Scotland and most of our staff were based there.

There were two different Secretaries of State for Scotland during the referendum campaign: Michael Moore and then Alistair Carmichael. Moore was low profile and cautious. He had negotiated the Edinburgh Agreement in 2012, but the following year he was sacked and replaced by Carmichael in order to try to give the No campaign a boost and a higher profile. It didn't really work and, eventually, the lead minister became, in effect, Danny Alexander, the Chief Secretary to the Treasury, who took on an overseeing role and a co-ordination function. In communications terms the Scotland Office matched the efforts of the Scottish Government well, despite being far outnumbered in terms of staff resources. In the last few months prior to referendum day, Alexander held a daily telephone conference on communications and this gave a better sense of purpose and focus to the UK Government's overall campaigning activities in Scotland.

But throughout 2014 the polls began to narrow and by early summer became alarmingly close (Figure 1). 'What Scotland Thinks?' – the polling website of Professor John

Curtice FBA of Strathclyde University – was required reading for both sides in the campaign.²

The final days

Throughout the summer of 2014, the Yes vote gradually made further ground and improved in the polls until the two camps were almost neck and neck. At the time Scotland appeared to be a sea of Yes posters – at least it did to me on a visit to the Western Isles and then Glasgow shortly before polling day. An opinion poll published in the *Sunday Times* on 7 September gave the Yes campaign a narrow lead for the first time.

The last days of the campaign were frenetic.

- On 9 September 2014, David Cameron cancelled Prime Minister's Question Time, so that the three main party leaders from Westminster could campaign in Scotland.
- On the weekend before the vote, the Queen in a conversation after church and, in reply to remarks from a well-wisher, commented that she hoped people would 'think very carefully about the future' before casting their vote.
- On Tuesday 16 September, the 'Vow' was published.
- On Wednesday 17 September – the eve of poll – President Obama tweeted: 'The UK is an extraordinary partner for America and a force for good in an unstable world. I hope it remains strong, robust and united.'

There was undoubtedly an air of panic.

And then, by Friday morning, 19 September the result was clear – a victory for No by 55 per cent to 45 per cent. At 7am that morning, the Prime Minister made a statement on the steps of Downing Street promising a quick commission and report (the Smith Commission) to introduce more devolution – and critically coupled it with

2. www.whatscotlandthinks.org

a statement in support of so-called EVEL, English Votes for English Laws. Was this a sign of continuing panic?

Alex Salmond stood down that day as SNP leader and was replaced by his deputy Nicola Sturgeon, who was later confirmed as his permanent successor.

The Yes camp had lost by 10 percentage points. But the momentum was with the losers. If the No campaign – and opponents of the SNP – thought that the referendum was to signal that the high-water mark had been reached, then they were, once again, mistaken. The SNP went from strength to strength. In 2015 they pulled off another show of massive strength when, at the May General Election, Scotland was painted yellow with 56 SNP MPs and a 50 per cent share of the popular vote in Scotland. Labour, the Conservatives and the Lib Dems each won one seat.

The SNP success story

So what, if anything, can the UK Government now do facing this SNP-led march of history? Is a second referendum on independence which results in a Yes vote the second time round inevitable?

And why has this happened? How was the SNP – in a period of less than 40 years – able to outflank the Conservatives, Labour and, for good measure, the Liberals, so as to position itself as the dominant political force in Scotland? The answer lies in three things: policies, politics and politicians. And perhaps also in a fourth element – passion.

Policies

The SNP's policy stance and strategy has evolved over time – but it has always been within the context of their clear and unswerving ultimate aim of Scottish independence – albeit something that has been described by some people as 'Indy lite' (in other words, that Scottish should be independent, but accept some limited shared aspects with the remainder of the United Kingdom – the monarchy, the currency and so on).

Back in the 1970s, the SNP policies portrayed the party as an alternative to the Tories. 'It's Scotland's oil' and a focus on the more affluent parts of North East Scotland helped to emphasise their appeal to the more Conservative parts of the electorate. Not for nothing did their opponents sometime dub them the 'tartan Tories'.

By contrast, in the 2014 referendum campaign, the policy agenda set out in their Independence White Paper – the SNP's manifesto for independence – neatly focused on childcare as its centrepiece, and used Nicola Sturgeon to spearhead the campaign in Glasgow where her brand of nationalism appealed more to women voters than did Alex Salmond's.

And in the 2015 General Election the SNP put forward a range of populist policies: anti-austerity; higher public spending; free university education; free prescriptions; free long-term care for the elderly; pro-Europe; and anti-Trident.

Politics

So, politically in 2015 the SNP were able to target the



Alun Evans, then Director of the Scotland Office, visiting an oil rig in the North Sea during the Scottish Referendum campaign.

Labour Party and its seats in the central belt of Scotland, and gave a more full-throated opposition to austerity than the Labour Party in Scotland was able to vocalise.

By opposing the Conservatives' austerity plans so strongly and with their popular policies placing them to the left of Labour, the SNP cleverly split Scottish Labour and placed them in a dilemma. Should Labour move left to try to compete with the SNP? Or should they try to take back the centre ground and squeeze the Liberals? As a result, Scottish Labour was completely outgunned. Having lost in 2007 and 2011 and with a seemingly ever changing leadership, the party looked to be drifting – relying on its belief that it would always win seats in its traditional areas.

Personalities

And, in turn, the SNP policies and politics were given strong and consistent leadership by a remarkable triumvirate of politicians who have run the party throughout all of the 21st century: Alex Salmond, Nicola Sturgeon, and the lower profile but very competent John Swinney – who temporarily led the party from 2000 to 2004. Between the three of them, they have become the faces of Scottish nationalism. They made their names – and their power base was and is – in Holyrood.

Contrast that with the following lists of some of the prominent Scottish Cabinet Ministers and politicians who chose to build their political careers in Westminster.

- For Labour: Gordon Brown, Robin Cook, Alistair Darling, Des Browne, John Reid, Helen Liddell, Jim Murphy.
- For the Conservatives: Malcolm Rifkind, George Younger, Michael Forsyth.
- And for the Liberal Democrats: Danny Alexander, Alistair Carmichael, Michael Moore, Menzies Campbell, Charlie Kennedy.

(Perhaps an early classic example was John Smith who, at age of 36 and before he went on to become Labour leader, was offered a Ministerial post by Harold Wilson

in February 1974 as Solicitor General for Scotland. He turned it down on the grounds that he did not want to get stuck in the backwater of Scottish politics.)

And now, for comparison, here is the complete list of prominent unionist politicians who chose to base themselves in Holyrood:

- Donald Dewar, and (in the twilight of his career) David Steel.

In short there remains a dearth of unionist politicians wishing to take on – or capable of taking on – the SNP. Kezia Dugdale, Scottish Labour's leader, still faces an uphill struggle.

Passion

And passion. There are people who love the Union and feel it is the essence of their national characteristic. But it is sometimes far harder to state a passion in defence of the status quo and for a lack of change, as opposed to being passionate about something that is novel, exciting and into the unknown. That the SNP showed enormous passion – in presenting its case for independence – is undeniable.

Getting ahead of the curve

So what of the future? Is the inevitable outcome that the UK Government, of whatever party, will always be playing catch up with the SNP? Will the forthcoming EU referendum – depending on its outcome – be the catalyst for the SNP to argue the case for a second independence referendum sooner rather than later? And would the outcome for that referendum be a Yes vote – as suggested by some recent opinion polls? I don't know, but I don't think it has to be that way.

I do know – and here I should stress that I am speaking personally and not on behalf of the British Academy – that, for unionist politicians and those who believe in the future of the United Kingdom, doing nothing is not an option.

The time for incrementalism is over. Playing catch up with the SNP has not worked and probably will not work. The time is ripe now to get ahead of the curve and so help to secure the Union. I would argue that the time has come for the United Kingdom to make a big, bold, and generous offer to the people of Scotland.

That offer needs to be – whatever people choose to call it – full fiscal autonomy, Devo Max plus or, in the language of Gladstone, Home Rule for Scotland within the United Kingdom. This echoes the words of Charles Stuart Parnell and the Irish nationalism of the late 1880s. Parnell, I believe, is one of Alex Salmond's political heroes.

What would that look like? In summary:

- Full devolution of tax and spend to the Scottish Parliament and Government, except for reserved areas
- Full responsibility for domestic policy and spending
- Full responsibility for energy policy and activity on and off shore

- Agreement on certain shared responsibilities within the United Kingdom
- All to be set within the framework of the continuance of the United Kingdom as a constitutional monarchy
- A shared economic area with monetary policy set by the UK central bank's monetary policy committee on which Scotland's views should be represented
- Defence and the overall conduct of foreign policy to be run by the United Kingdom but with full consultation on key areas of interest to Scotland

And such an arrangement would need to come within the context of three conditions.

First, *the economic condition*. This arrangement would, by definition, spell the end of the Barnett formula as it applies to Scotland.³ There would need to be a new and more modern formula to apply to Wales and Northern Ireland. And Scotland would make a payment to the UK Government for UK-wide service and provision (just as the Isle of Man and the Channel Islands do now).

Second, *the political condition*. And here I come to what I believe is the best answer to 'the West Lothian Question'.⁴ Giving a far greater degree of independence within the United Kingdom to Scotland – Home Rule – does have a quid pro quo in terms of reduced political power for Scotland within the United Kingdom parliament at Westminster. And so while there is no answer to the West Lothian Question in its absolute purest sense – short of a full English Parliament, and I do not believe that electing hundreds more politicians to be the solution – in my view the best, and fairest, answer to the Question is to reduce the number of Scottish MPs in return for Home Rule. That would imply a cut of perhaps 50 per cent in the number of Scottish MPs, all with commensurately larger constituencies. An independent Commission similar to the Boundary Commission could be charged with overseeing that task. And, for what it is worth, that was precisely the approach used in the United Kingdom for Northern Ireland from 1923 to 1972. So there is a tried and tested precedent for this.

Third, *the constitutional condition*. This issue has to be put to bed for a generation, not for a year or for five years. Perhaps there is here something here we can learn from

3. The Barnett formula is a funding formula for distributing funds within the United Kingdom. It was introduced in the late 1970s by the Callaghan Government. It was named after Joel Barnett, the then Chief Secretary to the Treasury, and applies to spending in Scotland, Wales and Northern Ireland. It was based on a population formula, and intended to ensure that spending per head in Scotland and England converged over time. But this has not happened, as Scotland's population has declined in size relative to England's.

4. The West Lothian Question is the short-hand term for the issue of whether MPs from Northern Ireland, Scotland and Wales who sit in the House of Commons of the United Kingdom should be able to vote on matters that affect only England, while MPs from England are unable to vote on matters that have been devolved. The phrase was attributed to the Labour MP Tam Dalyell, but was in fact first used by the Ulster Unionist and former Conservative MP Enoch Powell. Dalyell, the MP for the West Lothian constituency, asked during the passage of the Scotland Bill in November 1977: 'For how long will English constituencies and English Honourable Members tolerate ... at least 119 Honourable Members from Scotland, Wales and Northern Ireland exercising an important, and probably often decisive, effect on English politics while they themselves have no say in the same matters in Scotland, Wales and Northern Ireland?' Later in the debate, Enoch Powell commented: 'We have finally grasped what the Honourable Member for West Lothian is getting at. Let us call it the West Lothian question.'

the history of Canada and the Quebec experience after their second referendum in 1995 – when the separatist movement failed to gain Quebec independence by only 1 per cent. Following that referendum victory the federal Government of Canada reached out to Quebec, in a spirit of generosity, and sold the benefits of remaining within Canada much more strongly and passionately. Those in the United Kingdom who believe in Scotland remaining a part of the United Kingdom now need to do the same to ensure that agreement on Home Rule is not immediately unpicked. And an agreement to Home Rule must stipulate that it is for the long term.

I end with the wise words of Lord Hennessy FBA. In his book *The Kingdom to Come*,⁵ Peter concluded that

5. Peter Hennessy, *The Kingdom to Come: Thoughts on the Union before and after the Scottish Referendum* (2015).

we need to identify and celebrate the issues that help us think and behave as a Union:

- the Queen; the Armed Forces; the welfare state; the National Health Service; economic stability; the BBC; the UK passport; the Olympic Games.

We need more of these, many more. And we need to celebrate all the benefits that a strong proud country such as Scotland can get through Home Rule within the wider United Kingdom. Those in the United Kingdom who believe in Scotland remaining a part of the United Kingdom will also need to do all they can to ensure that any agreement on Home Rule is sustainable. A long-term agreement to Home Rule must stipulate that it is just that – for the long term – even if that needs to be enshrined in a new Treaty of Union.

Constitutional change: policy work by the British Academy

In the run-up to the referendum on Scottish independence, the British Academy worked closely with the Royal Society of Edinburgh on a series of events, culminating in the publication *Enlightening the Constitutional Debate*. This programme shed light on the implications of independence for a range of areas of public life, from taxation to culture and broadcasting.

Following the referendum, discussions on devolution are ongoing, and the British Academy continues to feed into the debate and analysis. A new project is currently being explored, to look at constitutional change from the point of view of England – examining the place of England in the context of a changing UK.

Key issues to be examined include the concept of an English identity and whether there is a unitary identity across England. What are the natural regions

of England, and are we moving to the (re)creation of English regions? What are the relationships between devolution deals and the roles of elected mayors?

Questions relating to the representation of English voices include the impact of the introduction of English Votes for English Laws (EVEL), and the question of whether EVEL leads inevitably to the establishment of an English Parliament. The future of the political parties also comes into the debate – will we see the emergence of English parties? What does this mean for the party-political landscape in the UK?

These issues are being further developed by the British Academy's Public Policy Committee and Team, and will be addressed through a series of public and private events, publications and other media over the next 18 months.