

# A vote that resolves little

The Scottish referendum was supposed to settle the UK's constitutional uncertainties. Malcolm Chalmers fears it has made them more complex

‘The ties that bind the UK remain much deeper than those binding Britain to the EU’

Britain's 2010 National Security Strategy, published shortly after the coalition government took office, was entitled ‘A Strong Britain in an Age of Uncertainty’. It made no mention of the two existential challenges – the possible secession of Scotland from the United Kingdom, and the risk of a British withdrawal from the European Union. Yet either event would be a fundamental transformation in the very nature of the British state, with profound impact on its foreign and security policy.

The first of these challenges was addressed on September 18, when the Scottish people voted to reject calls for the establishment of a separate state of their own. Their decision has been a source of relief among Britain's allies and friends. With western states facing many complex security challenges, at least they are not also having to manage the economic and security fallout from a disintegrating United Kingdom.

Yet the result, with 45 per cent of the Scottish population on a record 85 per cent turnout supporting the call for independence, was hardly a full-throated affirmation of support for the Union. After repeated warnings of the dire consequences of separation had failed to prevent a dramatic narrowing of the gap in the polls, all three major parties united in promising a transfer of new powers – including over taxation and social security – to the Scottish parliament.

This promise, given further credibility by the last-minute intervention of Gordon Brown, the former prime minister, into the campaign, checked the nationalist bandwagon. Yet the experience of devolution since the creation of the Scottish parliament in 1998 suggests that, far from creating a stable middle ground between integration and separation, the strengthening of Scotland's political responsibilities helped to create a base around which a newly established Scottish government could argue for more to be done.

Devolution max could have a similar effect, making the final step from ‘devo-max’ to ‘indy-light’ appear less traumatic, even as it still allows Westminster to be blamed for any ills that remain. If a further referendum is to be avoided five or ten years from now, it will not be enough to make constitutional changes. It will also

be necessary for Unionist politicians in Scotland – perhaps most of all in the Labour party – to regain the initiative that they have lost since the SNP narrowly came to office in Holyrood in 2007.

The task of doing so could now be made much more complicated by David Cameron's call for the right to vote on English-only laws in the House of Commons to be restricted to MPs from English constituencies.

The move was tactically astute and politically seductive, throwing the opposition Labour party into disarray, and providing a powerful antidote to Conservative backbench unease over the promise of extra powers for Scotland. Yet it threatens to intensify the forces that continue to threaten to pull the Union apart.

The focus of Cameron's complaint, the fact that Scottish MPs can vote on English laws that do not affect their own constituents because of the transfer of powers to Edinburgh, has existed since the creation of the Scottish parliament in 1998. Until now, however, it had seemed better to live with the anomaly rather than with the full consequences of excluding Scottish MPs from having any authority over purely English matters. Would such a proposal, for example, mean that the devolution of income tax-altering powers to Scotland – which already exists to a limited extent, and is likely to be extended – mean that the government has to seek an English majority for income tax rates in England, alongside a UK majority for corporation tax rates? If laws that apply only in England can only be voted on by English MPs, should Scottish and Welsh cabinet ministers be excluded from voting on them in cabinet? If an English Parliament – albeit one composed of English MPs sitting within the Westminster parliament – were to be created, would parity with Scotland, Wales and Northern Ireland not also require an English government that could command a majority for English law-making and policy-making?

Nor is the creation of regional assemblies in England the answer. Several English regions share Scotland's resentment of the concentration of economic and political power in London. Yet there is no political demand for those regions to replicate Scotland's sep-

**Gordon Brown meets pupils in the run-up to the referendum. His intervention helped check the nationalist bandwagon**

arate systems of law and education, both of which have existed for centuries. An attempt to impose symmetrical devolution within England, therefore, would miss the point.

Yet growing awareness of the constitutional imbalances created by devolution to Scotland – and, to a lesser extent, to Wales and Northern Ireland – is creating a series of shockwaves that will not dissipate easily. The UK, as a result, could now see a long period of constitutional experimentation and controversy, with profound effects on the governance of the country as a whole.

The process is a vivid illustration of both the advantages and the drawbacks of an unwritten constitution. Because everything can – at least in principle – be altered by a vote of parliament, there is a danger that we may now be entering a long period of constitutional turmoil, with much political energy being consumed as a result. All this might be worthwhile if it were to establish the basis for deepening social cohesion and increasing economic growth. It is more likely to achieve neither of these, confirming the common view of a political class remote from the more pressing problems of poverty, underperforming public services, and stagnant living standards.

### **The European question**

The next five years could also see an intensification of Britain's interminable debate on its relationship with the European Union, and possibly even a referendum on whether it should leave the EU altogether.

Britain's relationship with the European Union is similar, in important respects, to Scotland's position in the United Kingdom. It has a special financial arrangement, involving a rebate of most of its net contribution, that is not available to other member states. It retains its own currency and border controls, and has a permanent exemption from the common currency and passport-free travel to which other states have agreed. As in Scotland, there is strong political pressure for the UK to be allowed special treatment in further areas, such as immigration controls. In both cases, attempts to construct 'variable geometry' governance frameworks are made more difficult by the asymmetry in size between the opting-out nation and the political union as a whole.

After more than three centuries of Union, the social and emotional ties that bind the UK together remain much deeper than those binding Britain to the EU. Even so, in both cases, it is a sign of weakness that the case for Union has found itself having to rely rather too heavily on short-term, cost-benefit analysis, especially when facing the deeply felt desire for national autonomy that motivates both the Scottish and UK campaigns.

As a result, if there is a referendum on EU membership in 2017, as the Conservative party is now promising, the result could be every bit as close as the Scotland vote on September 18. Nor would a Conservative defeat in the 2015 election be the end of the story.



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Given the strength of opposition to the EU within the party, it is likely that Cameron's successor as leader could be forced to take an even more anti-EU position to consolidate his or her position. Unless and until a vote is taken, therefore, the possibility of a future EU referendum will continue to hang over British domestic politics, and continue to infect UK relations with its EU partners.

### **The wider European constitutional crisis**

While the nature of the Britain's constitutional crises is unique, they are part of a wider crisis of European politics. Over the past five years, the eurozone has faced successive crises as it has sought to find a way to reconcile vast differences in economic interest and viewpoint between its member states. Relations between Germany and the southern states have worsened as the former takes on a more openly hegemonic role.

Without further significant sharing of political sovereignty – for example through a banking union – the risk that one or more member states could leave the eurozone will remain very substantial. Yet further political integration could bring its own challenges, with powerful nationalistic parties in northern Europe already pushing against those who argue that all the answers must come from Brussels. One of the reasons that Britain's European allies were so worried about the Scotland vote was precisely their concern as to the example that a Yes vote could have sent to separatist movements in Spain, Belgium, Italy or Bosnia. This concern will not have been entirely dissipated, both because of the precedent set by London's willingness to hold the vote, and by the closeness of the margin.

Today no other important centre of economic and military power is as vulnerable to political fragmentation as the EU now appears to be. Britain is not the

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only European state grappling with dual pressures from above – sharing sovereignty with the European Union – and from below – how to devolve without disintegration. These multiple pressures have ensured that the EU will not become a cohesive military power or a full spectrum foreign policy actor any time soon. But the weakness of the whole is also undermining the ability of its component parts – individual states – to exert power beyond Europe.

### UK strengths and weaknesses

For historical and cultural reasons, the UK has long thought of itself as being more than a normal middle power. Larger defence budgets, along with the priority given to equipment modernization, have allowed it to maintain cutting-edge capabilities. Its focus on agile and deployable forces, even at the expense of mass, gives it more potential scope to respond to new challenges.

In both the military and intelligence spheres, relations with US counterparts provide mechanisms of influence that no other middle power enjoys. At the same time, its ability to understand conflict and security dynamics on the ground is weak in some regions – including Europe – and may be getting weaker as defence spending is cut. The UK can potentially draw on multiple diaspora communities to better understand and shape areas of conflict and security concern. But this is also a source of vulnerability and constraint, with attendant risks of organized crime, terrorism, and illegal migration. Not least, its reputation as a state with a tradition of political stability may be at risk as a result of its dual existential crises – in relation to Scotland and Europe.

### Two decades of war

Since the end of the Cold War, a large part of Britain’s military effort has been focused on supporting the US in operations, of which the most important were in Iraq, Afghanistan, Bosnia, Kosovo and Libya. In retrospect, the benefits obtained from these operations have been mixed at best. While some can clearly be judged to have been strategic successes, such as in Iraq in 1991, and then in Bosnia and Kosovo in the late 1990s, the two most costly campaigns, in Afghanistan after 2006 and Iraq after 2003, remain controversial to this day.

The primary source of political concern over these operations has not been about the human costs. Nor has Britain become a semi-pacifist state, unwilling to deploy force when appropriate. Instead, it has become more selective in its approach to the use of military force because its leaders have become more sceptical about whether it works as intended. While by no means decisive, opposition to British involvement in foreign wars was an important element of the Yes campaign in Scotland. The wider political significance of such involvement will not be lost on UK political leaders as they consider future calls for military action. During the lead-up to several military operations, the

UK has often been at the forefront of those calling for more decisive military action by allied forces, for example in Kosovo, Afghanistan in 2004-5 and in Libya. More recently – in Mali, Syria and Iraq – the UK has become accustomed to be more of a backmarker than it had been in the decade after Tony Blair’s Chicago speech in 1999.

The perception of a decline in British military assertiveness has been reinforced by trends in military capability. As of 2013, Britain was one of only three European states, along with Estonia and Greece, to meet the NATO target for spending 2 per cent of GDP on defence. As operations in Afghanistan end and the full impact of austerity-driven spending cuts is felt, however, the UK defence budget is on course to fall below the NATO threshold in 2015 or possibly, with the help of some imaginative accounting, in 2016. Given the prominence given to this target in Washington, such a development can only add to a wider perception that Britain’s defence posture is becoming more ‘European’, and not in a good way.

These difficulties could yet turn out to be cyclical. New operations could re-establish the credibility of British military force as a means for achieving political objectives. If recent rates of economic growth are sustained, it would make it more feasible to fund some growth in defence spending. It could also help to win back popular support for the constitutional status quo, in relation to both the Scottish and European questions. Before this objective can be achieved, however, much political energy may still have to be spent on maintaining the UK’s dual unions.

Scotland and England joined forces in the 1707 Act of Union. In doing so, they created what was then, and is even to this day, a rare and successful model: a multinational state in which separate national institutions and cultures are allowed to flourish, but in which joint action can achieve much more than either nation could have achieved separately.

This very liberal creation helped shape the conditions for the central role that the United Kingdom, and all its constituent parts, played in the European enlightenment and the Industrial Revolution. It made possible the emergence of the British Empire as the leading global power of the 19th century, a role in which both Scotland and England played a key part.

It is still far from likely that the United Kingdom will perish, or that it will abandon its commitment to the European Union. But the possibility of one or both of these separations taking place seems set to be a central part of British politics for a decade or more. Whether, and how, these issues are addressed will be as important in shaping others’ views of the UK as any assessment of whether it continues to be a significant contributor of hard power to global security. That in itself is a very significant change in Britain’s position in the world.

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