



The UK Election – a national and European game-changer

By Melanie Sully
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Policy Recommendations

1. A review of pre-election parliamentary procedures, campaigning, the election system and clarification of guidelines for government formation
2. A nationwide debate on the implications of further decentralisation to Scotland looking at the impact on other regions and the UK as a whole
3. A clear discussion of Britain and Europe using information already collated by government ministries to equip the public in the event of any referendum.

Abstract

This year Britain celebrates 750 years of parliamentary democracy and is rightly proud of strong historical roots that have withstood the test of time. Yet recent events have exposed weaknesses in the system. The shambles on who should take part in the televised election debates could be avoided with clear objective rules. With the likelihood of a “hung parliament” where no one party can command an overall majority, it is time to take another look at the election system and post-election scenarios. In addition parliament ceases to operate during and just after an election begging the question of whether this is apt in the modern age.

The fall-out of the referendum on Scottish

independence last year still clouds the political scene and hastily drawn up draft clauses to deliver greater powers to Edinburgh have yet to go through parliament. More consideration should be given to the impact on the UK as a whole accompanied with real public consultation.

Although voters at large seem less preoccupied with the EU than their political leaders, it would be helpful if an objective debate with defined aims was conducted. Reforms should be spelt out and subject to a dialogue with European partners. Any referendum need not be surrounded by hysteria but based on the positive experience of the Scottish independence referendum of 2014.



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Rules of the Game – unclear questions

The two main parties in the UK, the Conservatives and the Labour Party, with origins in the nineteenth century, have steadily suffered an erosion of both electoral and membership support. Following the referendum in Scotland last September, the Scottish National Party (SNP) benefited from a surge in members and now look set to annihilate Labour in the region. At the same time two by-elections led to the anti-EU United Kingdom Independence Party (UKIP) winning its first seats in the House of Commons at the expense of the Conservatives. The party claimed a place at the prized **televised debates** which led to a muddled solution whereby Cameron and Ed Miliband were interviewed separately and seven leaders took part in an outsize “elephant round”. Unlike the USA there are no clear rules governing who can participate in televised debates, something which should be addressed before the next election.

With the changing party landscape it is becoming harder for any one party to quickly form a government. Whilst there are conventions giving guidance on possible scenarios, there is a grey area which could be clarified. Changes in the **electoral system** were rejected in a referendum in 2011 but the debate could return. The SNP at the last election won around 2% support nationwide and six seats in parliament whilst this time if the polls are right, it could bag almost 50 seats with just 5% of the UK vote, making it the third largest group in parliament. UKIP with around 15% in the polls is predicted to win a handful of the 650 seats.

With dissolution there are no Members of Parliament (MPs) although the government continues in office. Election campaigns are now, by law, longer meaning that there is **no parliamentary scrutiny** of the government for the entire campaign and for around two weeks after the election. Unlike Austria,

parliament cannot be recalled and there is no main committee which could look at EU business. The Upper House, the Lords, also is wound up. In line with strengthening national parliaments' control of EU matters, continuity of parliamentary business during an election period would be desirable.

Scotland – an unsolved question

Whilst the conduct of the referendum on independence was impressive, what followed was a hasty attempt to fulfil a promise, salvage trust and get the issue out the way before the election.¹ However the Scottish question will return to haunt Westminster in an even greater guise after May. Proposals for decentralisation have been welcomed by the SNP as a step in the right direction but it is critical of what it sees as extensive “veto” powers of London. At the same time, many complain that England is getting a raw deal. At the moment 59 MPs from Scotland are represented in London, and many of these will be from the SNP after the election. The future status of these MPs and whether they should vote on “English” laws has to be resolved.

Furthermore the opinion of those beyond the borders of Scotland has yet to be sought and a full and meaningful consultation process in which the planned decentralisation policy could be influenced is lacking. The so-called “Vow” made by three party leaders² without discussion was a sticky plaster to avoid a possible break-up of the UK but it was not a solution.

1) See Melanie Sully, “Scotland Post-Referendum: the paradoxical model”, 26.3. 2015, the Institute of Federalism, Innsbruck http://www.foederalismus.at/blog/scotland-post-referendum--the-paradoxical-model_41.php

2) See Melanie Sully, “Nach dem ‘No Thanks’ beginnt die harte Arbeit”, Der Standard, 19.9. 2014.



Much will depend on whether the SNP will hold the balance of power and how it will use this potential instrument. The SNP's default negotiating position is to get rid of the nuclear Trident submarine on its territory, win more powers and fight economic austerity measures.³ It could support a minority government in return for some of these points but might not be keen to enter a fully-fledged coalition. As the Liberal Democrats found out in 2010 playing the junior partner in government can lead to a fall-off in support. Furthermore according to rules on funding of parliamentary parties only those in Opposition can claim public money. In 2010 this hit the Liberal Democrats especially hard when they forsook the opposition benches for government.⁴

Europe and the Referendum – an open question

Even before the dissolution of parliament, there was speculation about leaving the EU after a referendum. Whilst immigration, the economy, the National Health Service and other domestic issues are of more importance to voters, the EU can be indirectly linked to these issues by parties like UKIP citing EU migrants as the source of a multitude of problems. The leader of the party Nigel Farage if elected will swap his seat in the European Parliament to put his case in London. In any referendum

Farage will seek to exclude EU citizens living in Britain from the franchise.⁵

As a government is formed in the post-election period it will be 40 years almost to the day when Britons last voted in a national referendum on whether to stay in the European Community meaning that most under 60 have never had the chance to express an opinion at the ballot box. Even in the mid-1990s there were vociferous supporters of a second referendum on Europe but successive governments dodged the issue. The furore is unlikely to subside until such a vote is granted and even then there are no guarantees that this would solve the European question.

If **Cameron** heads a government after the election it is likely an in/out referendum on membership will feature in the so-called Queens speech at the state opening of parliament scheduled for the end of May. EU leaders then at their June summit will have to do some hard thinking on how to respond. Cameron is on record as saying that, unlike the loss of Scotland, exiting from the EU would not be a cause for heartbreak.⁶

Should a referendum go ahead the **Welsh and Scottish Nationalists** have made it clear they want a veto so they "will not be dragged out of the EU against their will".⁷ In addition the SNP want a

3) Interview with SNP officials, February, London, 2015.

4) BBC Newsnight 19.5. 2010 calculated that the Liberal Democrats (with around 60 seats) stood to lose 9 million Pounds over the five year legislative period by entering Government, http://www.bbc.co.uk/blogs/legacy/newsnight/michaelcrick/2010/05/the_lib_dems_respond_on_short.html

5) EU citizens were entitled to vote in the Scottish referendum but this was a regional vote and as such subject to different laws. See also article by Nigel Farage, "This is my deal, Mr Cameron: an immediate EU referendum where my German wife is banned from voting", The Telegraph, 14.3. 2015 <http://www.telegraph.co.uk/news/politics/nigel-farage/11467020/This-is-my-deal-Mr-Cameron-an-immediate-EU-referendum-where-my-German-wife-is-banned-from-voting.html>

6) BBC Radio "Today" interview, 30.9. 2014.

7) Nicola Sturgeon, TV seven-way debate of party leaders ITV, 2.4. 2015.



greater voice for Scotland in the EU on issues such as fisheries and farming.

The **Greens** currently with just one seat in parliament also support a referendum but at the same time want more powers for local communities and are ardent supporters of the free movement of persons⁸.

The **Liberal Democrats** support an in/out referendum should a treaty change involve transfers of sovereignty to Brussels. They want to cut “unnecessary spending” by reducing the proportion of the EU budget dedicated to the Common Agricultural Policy and favour scrapping Strasbourg as a seat of the European Parliament. Further the party wants to tighten up on benefits given to migrants and favours possibilities to block “unwanted” EU legislation⁹.

Under Ed Miliband **the Labour Party** has come out against a referendum except in cases where major powers are to be transferred which it concedes is unlikely at present. Should such a referendum be held it is not clear what would then happen if the people voted “No”. This could be seen as a vote to exit or at the least lead to a blockade in the EU, something the party wants to avoid. In any case there is already a law stipulating the need for a referendum in the event of a major transfer of competencies or the introduction of the Euro or Schengen.

Labour is seeking reforms regarding EU migrants who would have to wait two years before claiming out of work benefits and it wants to reform the EU budget and make changes to the way money is

spent on the Common Agricultural Policy¹⁰. Its position on migrants could well test Labour diehards in practice and strain party unity. Labour’s shadow foreign minister, Douglas Alexander, gave a keynote policy speech earlier this year devoting much time to the Middle East, Asia and Africa skirting around any reference to a referendum on the EU. Instead he called for reform of the EU budget, greater assertion by national parliaments, described the European Parliament as ineffective and toyed with the idea of using a red card in the legislative process.¹¹

Conclusion

Whatever the outcome of the election, the UK stands before some substantial challenges on more autonomy for Scotland, relations with the EU as a whole and in particular with the Eurozone. Future referenda on a number of constitutional issues are on the horizon and the country could benefit from an overhaul of some procedures currently ill-fitted for the twenty first century by considering:

- agreed objective criteria for televised election debates
- the continuation of parliamentary oversight in an election period
- clearer rules on the formation of a government in the event of a “hung parliament”
- a renewed look at reforming the electoral system whilst maintaining the greater independence of MPs compared with some other legislatures

8) Leader of the Greens, Natalie Bennett, TV debates 2.4. 2015 and in interview for the International Business Times, 21.11. 2014 <http://www.ibtimes.co.uk/green-party-backs-eu-referendum-britain-says-natalie-bennett-1475811>

9) Liberal Democrat Election Manifesto, 2015.

10) See Labour Party Manifesto 2015 and EurActiv, 14.4. 2015 <http://www.euractiv.com/sections/elections/labour-launches-manifesto-promise-stand-britains-interests-europe-313738>

11) On the record speech at Chatham House, London, 2.2. 2015.



- full and inclusive consultation procedure on the next steps for Scottish decentralisation to take account of any knock-on effect in the other regions.
 - a clear discussion of Britain and the EU based on evidence already gathered in a government-led exercise on the balance of competencies which could provide the public with a sound basis to make an informed decision in any vote.
- The UK May election could be followed by lengthy negotiations between parties jostling for position in a new multilateral power game. In this Scotland and a European referendum will be major chips on the poker table. When the dust has settled both the UK and Europe could emerge fundamentally transformed.

Further Reading

Melanie Sully, „Großbritanniens europäische Herausforderung – die Reform des Vereinigten Königreichs“, Österreichische Gesellschaft für Europapolitik, 6.6. 2014.

Roger Liddle, “The Risk of Brexit”, Rowman and Littlefield, London, 2014.

Melanie Sully, “Großbritannien, Europa und das Referendum”, Europäische Rundschau, 4/2012.

Melanie Sully, “Scotland post-referendum: the paradoxical model”, Institute for Federalism, Innsbruck, 26.3. 2015 http://www.foederalismus.at/blog/scotland-post-referendum--the-paradoxical-model_41.php



About the author

Dr Melanie Sully: British-born political scientist is head of the Vienna-based Institute for Go-Governance. Formerly professor at the Diplomatic Academy in Vienna (1992-2010), she has worked as a consultant for the OSCE, the Council of Europe GRECO, as well as the Austrian Foreign Ministry and was a correspondent in Vienna for “Voice of America” radio. Dr Sully is a member of Team Europe of the European Commission (Austria), the Royal Institute of International Affairs, London and the International Political Science Association (Canada).

Contact: melanie.sully@go-governance.com

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Austrian Society for European Politics (ÖGfE)
Rotenhausgasse 6/8-9
A-1090 Vienna, Austria

Secretary General: Paul Schmidt
Responsible: Christoph Breinschmid

Tel.: +43 1 533 4999
Fax: +43 1 533 4999 – 40
E-Mail: policybriefs@oegfe.at
Web: <http://oegfe.at/policybriefs>