

Political Calculations and Democratic Principles in the Scottish Independence Referendum

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The Scottish Independence Referendum on September 18 was a game changer despite the Yes campaign's defeat by a 10% margin, and it retains its particular significance to Taiwan. UK and EU citizens residing in Scotland over the age of sixteen voted on a clear question: "Should Scotland be an independent country?" Whichever side garnered more votes would win the day. Most Taiwanese commentators agree that the design of this referendum, in which residents decide on a straightforward question by simple plurality, is exemplary. This article explores who gets to decide, the question, and decision by plurality, with an eye to their relevance for Taiwan politics.

Eighteen is the usual voting age in the UK. Recent years have seen wide discussions about lowering the age limit further, and major parties have declared their support. However the initiative has not been affirmed by legislation and this referendum marks the first implementation of the 16 age limit. Despite the country's unitary system of government, only two out of the twelve major referendums since 1973 (the whole nation voted in 1975 to remain in the EEC and in 2011 to reject electoral system reform) were held nationwide. Other referendums, mostly about devolutions in Northern Ireland, Scotland, and Wales, were decided by residents in the respective areas.

The United Kingdom had required thresholds in past referendums. The "yes" votes in the 1979 Scotland Devolution Referendum accounted for

51.6% of votes cast but turnout stood at only 63.6%. Consequently the results were declared null and void because the rule at the time stipulated that a minimum of 40% of registered voters had to vote "yes" for the proposal to pass. In contrast, the 1997 referendum to establish a Scottish Parliament was passed by simple majority (74.3%). The Westminster Parliament has debated this question for decades and the consensus that the government cannot support thresholds has emerged in recent years. In 2004 then Parliamentary Under-Secretary of State for Constitutional Affairs Christopher Leslie summed up the government's position: a predetermined threshold would be too rigid to consider each case on its merits; moreover, "a 50% threshold [would allow] non-voters effectively to veto a yes vote or even a no vote," and is therefore "fundamentally undemocratic." Draft bills to set up referendum thresholds were defeated repeatedly in 2004, 2010, and 2011. The historic 85% turnout in the latest referendum gave the impression that a threshold would not have constituted a barrier in a campaign that generated such interest and passion. However, as Taiwanese advocates have been contending, such a requirement could easily be manipulated and turned into an anti-mobilization mechanism so that "people who want a no vote could campaign for abstentions." The British official position validates this argument.

The simple phrasing of the referendum question conceals an inside story. In the UK parliamentary system, the ruling party or coalition

controls both the executive and the legislature. Referendum is usually a political tool to resolve major controversy that cannot be otherwise settled within the party. In addition, according to the principle of parliamentary sovereignty, referendum is advisory in nature, with no intrinsic legal validity without the endowment by political negotiation. The simple phrasing is the result of British Prime Minister David Cameron's political calculation. Cameron and First Minister of Scotland Alex Salmond reached an agreement on 15 October 2012 that only two alternatives would be on the ballot. A considerable portion of Scots had been demanding a higher level of autonomy, but advocates for secession had been firmly in the minority. The assumption was that given the choice, people would vote for "maximum devolution," which would grant all powers except for foreign policy and defence to the Scottish Executive; pro-independence votes would drop significantly. Salmond wanted devo-max as the third option, but London considered it too high a price to pay for unity. Without devo-max, independence still stood a negligible chance, and the vote would settle this issue "for a generation." Therefore, London got its way in the Yes/No question, and in return Edinburgh got the concession of a one-year delay that allowed for more time to campaign, and the lower voting age of 16.

On September 5th a poll commissioned by the conservative *Sunday Times* dropped the bomb as the Yes camp coming out ahead for the first time. Cameron was put under great pressure. His strategic compromise suddenly became a high stakes gamble with the union in jeopardy. He hurriedly countered with emotional appeals and substantial incentives, promising that if No carried the day, London would effectively grant

Edinburgh devo-max. Some commentators indicated that Salmond had won the substance of the vote. However, after the dust had settled, Cameron wrapped his commitment to Scotland in the package of a comprehensive reconsideration of devolution to Northern Ireland, Wales, and England, and even brought up the West Lothian question refrain (English votes for English laws). His statement invited the accusation that the Yes camp was cheated out of a victory.

Among the three essential components of the Scottish Independence Referendum, "residents decide" has been a British convention and "no threshold" a consensus formed in the last decade. However, the Yes/No question is a two-sided blade, the product of political deliberation. Still, returning to the fundamentals, London deserves credit for allowing a referendum procedure that led to a genuine, rigorous campaign and an outcome that was contested till every vote was cast and counted. This is democracy at work. **BT**

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