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Scotland Wants Another Referendum... But This Time It's Different

Seth Ferris

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So now the Tartan Genie is out of the bottle. The UK parliament has passed the Brexit bill, and therefore has the authority to send the Article 50 notice to Brussels. In response Nicola Sturgeon, First Minister of Scotland, has demanded another referendum on Scottish independence, on the grounds that most Scottish electors voted to stay in.

The EU has consistently said that an independent Scotland would not automatically take over the UK's membership of the bloc. It would have to apply again from scratch, and be at the back of the queue of aspirant nations. If this is so it would destroy the point of holding another referendum. Indeed, within a day of giving this as the reason for holding the referendum Sturgeon herself backtracked by saying that she would instead seek to join the The European Free Trade Association (EFTA).

It is an intergovernmental organisation established for the promotion of free trade and economic integration to the benefit of its four members: Iceland, Liechtenstein, Norway and Switzerland. In short EFTA membership would mean access to the single market but no say in the rules imposed by Brussels.

The referendum can also only be held if the UK government allows it, regardless of what the Scottish government wants, and Theresa May has made it clear that she does not agree with such a referendum being held while the UK is trying to negotiate the best Brexit deal it can. Scottish voters are also being reminded that Nicola Sturgeon's predecessor as SNP leader, Alex Salmond, consistently described the 2014 referendum as a "once in a generation opportunity", and now the same SNP wants the same generation to be asked the same question.

So on the surface, this second referendum idea looks like a dead duck. Indeed, May has responded to it by telling Sturgeon that "politics is not a game", and that as the SNP doesn't have a majority in the Scottish parliament she has no mandate to impose a referendum on Scotland's voters. She has even said that a referendum would cause great uncertainty, despite the fact the Brexit referendum has done the same, and she wasn't obliged to take any notice of it if she didn't want to.

But things are different this time. It is true that Scotland's bid for independence will not be supported by Western tanks and terrorists, like those of Croatia or South Sudan. But independence advocates are longer dealing with a Westminster government which can claim it respects Scotland and its voters. The UK is going ahead with a process which wasn't on the table in 2014, and if Scottish voters don't like that, there is nothing they can do about it.

Even if the SNP won every Scottish seat in the UK parliament (which they nearly did at the last election) and every seat in the Scottish parliament, and even if 100% of Scottish voters had voted Remain, the political structure of the UK means they would have no actual power to change what the rest of the country wants to do. Even if Theresa May lost her majority, which is a possibility due to ongoing police investigations into expenses claims, she could hardly reach an accommodation with the SNP to stay in power even if she chose to, as her new supporters would demand to leave her and her country at the first opportunity as the price of cooperation.

So can Scotland leave the UK as a result of Brexit, and what effect will this have on other countries? In the end, it will come down to who wants what the most. But the evidence suggests that not only can Scotland leave the UK, it can save the EU by doing so: and it will be the UK, not Scotland, which has the most to lose from this process.

Awoke and found it true

The question of whether the historically independent Kingdom of Scotland should leave the UK was largely an academic one for many years. Indeed, many of the SNP's founders were academics or old Scottish aristocrats, and the label "Tartan Tories" is still attached to the party by its critics.

That situation changed when North Sea oil was discovered. As the oilfields were off the coast of Scotland, the question arose as to how much Scotland, rather than the UK as a whole, should benefit from them. Scotland had long been the home of significant heavy industries whose fortunes were controlled by political decisions made in London, and generated wealth Scots didn't see much of. As the oil industry couldn't threaten to leave if its Scottish labourers complained too much, oil gave Scots of all political persuasions a bargaining chip they could use to assert their difference.

But for over a century the Scots knew they were different to the English without needing a separate country of their own. The UK actually affirmed Scottish identity, by giving Scots the English to blame for their problems. Though the SNP made some electoral gains, all it offered was what some of its own members later termed a "tartan trance" – voters weren't told what independence would give them in practical terms, other than an independent identity they already felt they had.

After a number of internal splits over its direction, the SNP finally became that very British institution, the "Stuff The Lot Party". As the only party advocating full independence for Scotland it had a clear alternative message. Regardless of what that message actually meant, the concept struck an increasingly strong chord in a country failed by successive UK governments, whose Scottish representatives were seen as having "sold out" to the ideologies which had created its problems.

The 2014 Scottish independence referendum proved a watershed. The referendum was lost, despite allegations of vote-rigging, and therefore the SNP cause seemed lost too. However it resulted in an unprecedented rise in support for both the SNP and independence itself.

Brexit supporters say that the result of that referendum must be respected because the public can't have changed its mind so soon. One year after the Scottish independence referendum the SNP won almost every seat in the Scottish parliament, many of which it had never come near winning before. If the UK government was afraid of not abiding by the result of the Brexit referendum, it has equal cause to be afraid of implementing any possible Brexit strategy, none of which were specifically voted for.

Every move London makes, in any direction, is only likely to increase SNP support, and Scottish independence is the logical and increasingly acceptable consequence of that support. Even if Scotland can't retain the UK's place in the EU, as most of its voters said they wanted, it is now up to the UK to offer a better alternative – and if it was likely to do so, Sturgeon would never have risked her career by calling for a second independence referendum.

So close to the chest they disappear

Theresa May objects to the Scottish referendum plan on the grounds that it will introduce greater uncertainty at a time when stability is required. Her idea of the best way to achieve this stability is, predictably, to rally round the government and trust it to get the best possible deal in the Brexit negotiations.

May's problem is that no one is being equipped to do this. No country has left the EU before, it is a completely new process in both its international and domestic dimensions. But with the country looking for a clear vision of the future it can rally round, the government is deliberately saying as little as possible about what it wants that future to look like.

As long as the UK is in the EU it cannot sign significant trade deals with other countries, because those countries would then face sanctions from the 27 other EU members – who form a larger and more settled trading bloc. So there is nothing, anywhere, which can be used as evidence of what the UK will look like post-Brexit. May claims that people cannot be told what the government is thinking because this might harm the UK's negotiating position with the EU, and true to form she thinks the electorate will accept this because she says so. But so far this tactic isn't working.

Brexit Minister David Davies, who unlike the Prime Minister actually campaigned for Brexit, has just admitted to a parliamentary committee that his government has not conducted an economic impact assessment of what would happen if the UK doesn't secure a deal with the EU. He also admitted that the predictions of the consequences made during the referendum campaign have not proven "very robust" – but these were the ones sold to the British people, on the basis of which they were asked to cast their votes.

As time goes on, these predictions are likely to prove increasingly false. All kinds of promises were made on the basis of them, by people who weren't being elected to implement any of them. Regardless of the political arguments for leaving or staying in the EU, the UK will most likely have to accept a deal which does not include unrestricted access to the single market, or meaningful restrictions on movement, or opting out of human rights laws. It will therefore have to offer a bright future which includes the things the people said were bad, but still seems ill-equipped to do so, and will be held responsible for this failure.

When George McGovern was annihilated at the 1972 US Presidential election he won only one state, Massachusetts. After the Watergate scandal broke people began driving around with bumper stickers saying "Don't blame me, I'm from Massachusetts". Whatever happens with Brexit will alienate a good portion of those who supported it, and supporters of Scottish independence may start a bumper sticker business of their own.

Cutting another's throat before your own

If May fails to achieve a good deal from the EU, and cannot secure better deals with the rest of the world, Scotland may well be better off in EFTA, which is desperate for new members but which the UK apparently hasn't yet applied to join. However the argument that it cannot take the UK's place in the EU is not as clear cut as the UK and EU assume it to be.

The United Kingdom is a union of crowns, like Denmark. It is not one sovereign entity, like most states, but a union of four of them. Each one is a member of the EU because the UK is, but as Denmark has shown, this does not have to be the case.

When Denmark joined the EU alongside the UK it was a union of two crowns, Denmark proper and the Faeroes. The Faeroes did not join the EU. After Denmark granted Greenland self-government, making it the third sovereign entity under the Danish crown, Greenland remained in the EU but asked to leave. Although the process took three years it did so, without affecting Denmark's membership.

Scotland is a sovereign entity with its own crown, and only has the same monarch as the English because King James VI of Scotland became King James I of England too, as he was the next in line for that throne as well. There is therefore an argument that Scotland is an EU member in its own right, irrespective of its relation to the UK. The EU's legal opinion has not been tested any more than the contrary one has, and if Scotland feels it is worth pursuing this argument it could prove the UK government wrong, thus adding further fuel to calls for independence.

During the 2014 referendum Jose Manuel Barroso, then President of the EU Commission, argued that it would be extremely difficult for Scotland to join the EU because this would require the consent of all member countries, who do not wish to encourage separatism within their own borders. It is usually stated that Spain will automatically reject Scotland's application, in order to discourage Catalonia from breaking away

However the Brexit negotiations are soon to become a reality, with both the UK and the EU trying to obtain a deal which primarily suits themselves. If the UK walks away better off than it was as an EU member, pressure to leave the EU will mount within other countries. This will also create separatist pressures, as it is generally the disadvantaged who want to leave the "establishment" of the EU, and it is generally indigenous ethnic minority groups who feel the most disadvantaged, thus aligning the supporters of two different causes.

If Scotland remained in the EU, or in a better trading position than the rest of the UK as result of the EU, this would be a victory for the EU and a defeat for the UK. It would show that someone still believed in the EU, and that it protected minority rights against the majority. Far from encouraging separatism, such an outcome could have quite the opposite effect. It would strengthen both the EU itself and its member states, by showing them that the status quo works and the alternative doesn't, an argument which would make a lot of sense when most EU members don't agree with the UK leaving, and threatening the security of their UK-based nationals by doing so.

As we don't know what the UK's negotiating position is, and it doesn't seem to know itself as it has not done the studies needed to base one on, it remains doubtful whether it can secure a better life outside the EU. What we do now know is that however much it might talk about consulting Scotland, Scots will simply have to put up with whatever the London government gets, when they voted against the whole process and most of their representatives advocate Scottish independence.

With or without the EU, Scotland has been put in a stronger position to achieve independence as a result of the incompetence of a UK government which either doesn't know what it is doing or won't tell the people who need to know. No longer can London offer a better alternative to people who have defined themselves for generations by complaining about it. Scotland has

everything to gain by pursuing independence now, and if the UK really does have a strong hand the EU will see the benefits of supporting that, which could make all the difference to the outcome.