

A SCOTLAND THAT CAN VOTE YES



Stewart McDonald MP

Foreword by Alex Neil

Stewart Mcdonald MP
February 2023



CONTENTS

FOREWORD BY ALEX NEIL

INTRODUCTION BY STEWART MCDONALD MP

I. SCOTLAND AND THE UNITED KINGDOM: THE POWER IMBALANCE

II. THE CONSTITUTIONAL QUESTION TODAY

III. ON A DE FACTO REFERENDUM

IV. THE PATH TO INDEPENDENCE

V. CONCLUSION

VI. WHAT THE POLLS TELL US



FOREWORD BY ALEX NEIL

The SNP has the independence ball at our feet. The question is are we ready to kick it into the net? Could we win a second independence referendum any time soon? If so, how do we secure that referendum and most importantly of all, what do we have to do to win it?



The starting point is to substantially increase the core support for independence amongst the Scottish electorate, as Stewart McDonald MP has pointed out in this paper.

According to the polls, about 45% of Scots have continued to support independence through thick and thin since the first referendum in 2014. Clearly that level of support won't deliver independence. The First Minister herself is on record as saying we need to aspire to getting support for independence up to around the 60 per cent mark. The way to get to that level of support is through persuasion: to convince many more people that independence would be good for Scotland. In that respect, we still have work to do.

We need to offer a prospectus on what kind of country an independent Scotland would be and explain how we could make life much better for the Scottish people if we had the tools that independence would give us. If we can't do that persuasion job on a big enough scale, then no matter what route map to independence we employ, we will fail.

Until we garner the support of the overwhelming majority of the Scottish people for independence and make the lion of Scottish public opinion roar, Westminster will continue to sit on its hands and ignore us.

Stewart is correct when he points out that a "de-facto referendum" is likely to be an own goal. The chances of obtaining 50% of the vote in a UK General Election are slim indeed. Even if we were to repeat the 2015 result when we won 56 of the 59 Scottish seats at Westminster, we would still only get 49.7% of the vote. The "de-facto referendum" will have been lost. Why hang that noose round our independence necks?

Keep the message simple. We need to make it clear what we are asking a mandate for in the general election. Is it for a demand for independence negotiations or for the Scottish Parliament to get the power to hold a second independence referendum? Either way, if the SNP wins a majority of parliamentary seats in Scotland that mandate then becomes a demand from the Scottish people which must be fully respected. Even the likes of Margaret Thatcher and John Major are on record as accepting this principle

With the SNP victorious, Westminster will be compelled to act. In these circumstances they will succumb and offer us a second independence referendum; a referendum which we would win.

INTRODUCTION: STEWART MCDONALD MP

The late Tom Nairn was an intellectual godfather of modern Scotland. Like many of us, he believed that the dissolution of the United Kingdom was inevitable and, as the prophet of post-Britain, he was clear-eyed about the path of 'long-term, irreversible degeneration' that the United Kingdom is on – a journey which will ultimately lead to its break-up.



As SNP members meet in Edinburgh next month to consider a new strategy for the cause of independence, Nairn should inspire us to approach the debate in a much broader sense than the NEC motions suggest. Rather than simply decide between differing versions of a de facto referendum, members should instead embrace the opportunity to deliver a wholesale upgrade and modernisation to our party's long and historic campaign. We should go beyond the parameters of the NEC resolutions and author amendments that allow us to arrest our own sense of frustration and put our cause on a path that is materially making progress to independence. I believe we can do this by passing a resolution that shows an appreciation for public opinion, is anchored in our commitment to democracy and the rule of law, and demonstrates the boldness needed to secure Scotland's independence with a new national campaign.

A de facto referendum, regardless of whether it takes place in a Westminster or Holyrood election, will not secure Scotland's independence. Not only does the belief that the UK Government would open independence negotiations following a de facto referendum overlook the development of a new, more muscular form of British nationalism within both the Conservative and Labour parties, but it ignores altogether the vast asymmetry of power between Edinburgh and London that the Supreme Court laid bare. If only one government is treating an election as a de facto referendum, how can a result for independence be implemented?

A de facto referendum, as this paper outlines, is a deficient mechanism for the party to opt for and creates the potential for all sorts of problems for the cause. Although this paper touches on some of these dangers, chief amongst them is that a de facto referendum will not deliver independence and could set our movement back significantly. Despite the false allure of a de facto referendum at a Holyrood election – with a more inclusive voter franchise and an election campaign focused on Scotland – the problems with de facto as a mechanism remain the same: it will not deliver independence.

That we are discussing a de facto referendum demonstrates we are seeking to solve the wrong problem, albeit one that is understandable: our own impatience. Faced with the economic damage and social vandalism wrought by the Conservative Party and the pusillanimous spirit of the Labour Party, this impatience is shared, legitimate and real. But it would be short-sighted and harmful to let a bubbling impatience author our strategy. Instead, we must find the most productive way of channelling this strength of feeling towards the development of a strategy which takes us materially closer to an independent Scotland, while remaining steadfast in our commitment to the principles of democracy and the rule of law. That means establishing a popular cross-country campaign body to drive support for independence even higher than it is now and sustain that support. That popular campaign, which must be properly resourced, should begin by the summer of this year.

Securing the necessary transfer of power for a legal referendum must be our unambiguous objective in the next Westminster election – which could be called at any point in the next 23 months. Well before then, we should have established the new cross-Scotland campaign body with a mandate to drive support for independence above the 50 per cent it currently enjoys, and take public support for independence up to new territory. We must up our game.

When members of the SNP meet at our Special Democracy Conference, we must be conscious of what we are setting out to achieve. Though every election offers the chance to grow support for independence and steel the mandate for the referendum, independence campaigners are not merely looking to win one very important vote. In seeking to secure Scotland's independence through a legitimate and legal referendum, we are seeking to be the handmaiden of history. We cannot rush this. We must take the rest of the country with us on that journey.

There is a solid majority for independence in this country waiting to be won, and a two-thirds majority support for a referendum itself. Our job is now to turn a dispassionate eye to the long-term factors that drive support for Scottish independence and channel the energy of our movement into helping those tectonic plates of history to shift.

We are the generation of SNP members that can finally secure the independence that so many before us worked hard for. We owe it to their legacy to ensure we get this right. We do not want to be the generation that blew it because of our own impatience.

Our strength lies in the case we make and the fact that it is finding favour with the electorate – something our opponents increasingly cannot claim. We must handle that public confidence with care and get on with the job of driving support for independence further through a popular, national campaign so that it cannot be denied.

We need to build a Scotland that can vote Yes.



I. SCOTLAND AND THE UNITED KINGDOM: THE POWER IMBALANCE

The intellectual legacy Tom Nairn bequeathed us serves to set our task in its long historical context and should focus our minds as members of the SNP approach our Special Democracy Conference. As we reflect upon the path before us, we should think of the UK Government's never-ending praise of the broken Westminster system, of its defence of a legislature stacked to the rafters with unelected Lords and the children of Edwardian aristocracy, and of its devoted attachment to an unfair and undemocratic electoral system. And as we do, we should remember Nairn, who observed that critics of Scottish self-determination, 'in their panicky defence of the old state and Westminster's sovereignty, help preserve those very things which are the root-cause of their nightmare: the hopelessly decaying institutions of a lost imperialist state.'

Those words, penned in 1977, could have been written yesterday. The Scottish independence movement should be conscious of our current place in the story of the United Kingdom's dissolution and have the discernment to see that we are close to, but not yet at the end. While so much has changed since 1977 – the re-convening of the Scottish Parliament, an SNP Scottish Government that could mitigate the blistering effects of Westminster austerity, a vibrant independence movement still fighting for Scotland's future in Europe – it is also necessary to reflect on what has stayed the same.

The structural imbalance of power between Edinburgh and London remains, as does the fact, recently confirmed by the Supreme Court, that Scotland can only leave the Union with Westminster's consent – consent that can only come after a legitimate and legal vote and a negotiated exit with the UK Government. His Majesty's Government currently offers no lawful, democratic path for Scottish voters to secure independence (a position even Margaret Thatcher eschewed), but the need for Westminster's consent cannot be wished away no matter how much it may offend our instincts. Until that consent is secured, the people of Scotland will remain in a union state in terminal decline; trapped in a state that, itself, is trapped in the past. It is against this backdrop that our Special Conference will take place.

We also need to be clear-eyed about the political winds blowing across the United Kingdom. We are not in 2014 territory any longer. Polls now consistently record support for Scottish independence at or around 50 per cent while an Anglocentric Labour government looks likely to win the next General Election, finally ending the nightmare of Conservative rule. Unionism is also transforming: advocates for the United Kingdom increasingly portray it as a unitary British state rather than a multi-national union state – a depiction unrecognisable to many Scots who voted No in 2014. The ground beneath this country has shifted and we must move with it.

The independence movement is not powerless. With a popular cause that the electorate is increasingly keen on, we can win. We just need to play it smart.

II. THE CONSTITUTIONAL QUESTION TODAY

In the years since 2014, the case for independence has been made anew every day by a UK Government that doggedly pursues policies – from the UK's disastrous withdrawal from the European Union to Westminster's recent attack on our Scottish Parliament – that appal Scots from across the political spectrum. And the Scottish electorate have made their views clear: in every single parliamentary election since 2014, pro-independence parties have been elected to a clear majority of seats. Time and time again, the Scottish electorate look at the competing visions of Scotland's future on electoral offer and choose parties which support Scottish self-determination and statehood.

Despite this, His Majesty's Government and His Majesty's Loyal Opposition remain united in their iron-clad refusal to allow Scots the right to revisit our constitutional future. They have failed in their democratic duty to engage with the central question driving Scottish political life and fomented the situation we find ourselves in.

In Scotland today, every single policy issue – from export promotion to LGBT rights – is viewed through the prism of the constitution. It is an unsustainable situation – but the Scottish electorate know well what the solution is. December 2022 polling from Ipsos found a supermajority for a second referendum, with only 26 per cent of Scots saying that there should never be another vote on independence. The question is when.



III. ON A DE FACTO REFERENDUM

Scottish independence is closer now than it ever has been. We have reached this point because we stand on the shoulders of giants – those who have dedicated their lives to our movement and the campaign for Scottish self-determination. To get to the finishing post, we must shift Scottish public opinion from believing Scotland can be independent – as most Scots can already agree – to believing Scotland should become independent. To sprint for independence before the rest of the country is ready would be to risk seeing it crumble before us. We still have work to do.

A de facto referendum is a deficient mechanism for settling Scotland's constitutional future, principally because it will not lead to Scotland becoming independent.

To invoke a de facto referendum one must assume that, if successful in achieving whatever the bar for success is to be, independence negotiations with HMG will follow. There are no grounds to believe that this will happen – quite the opposite. A government that has developed a taste for challenging a whole string of devolved legislation in the courts and has breached constitutional norms, up to and including the unlawful prorogation of parliament and weaponising section 35 of the Scotland Act for the first time in the history of devolution, is not going to treat a parliamentary election result as a de facto referendum, especially one that it has lost.

The UK Government will not open independence negotiations following a de facto referendum. Yet, even as the UK Government does nothing, all manner of unreasonable expectations and demands would come to fall on the leadership of the independence movement and the Scottish Government, such as calls for a unilateral declaration of independence. This would place the country's elected leadership in an impossible position and diminish our standing with the electorate and international partners.

We should also keep in mind the broader geopolitical environment – especially here in Europe, where a war of aggression is being fought and economic headwinds cause considerable anxiety across the continent. The principles of liberal societies and of the international rules-based order are under daily contestation, commanding the bandwidth of our fellow democracies – especially among those whom we seek to join in the European Union and NATO.



The goodwill that exists for Scotland, particularly following the 2016 EU referendum, would begin to evaporate if we demur from an orderly, lawful, and democratic route to independence - the only route that the international community will recognise.

A de facto referendum that is not treated as such from the state we wish to secede from will not satisfy international opinion. And whilst the SNP's National Executive Committee is right to point out that an election is a lawful and constitutional democratic process, we would be seeking to convince international partners that a unilateral change to the constitutional function of an election, on our terms alone, should be treated as legitimate. This position cannot possibly expect to carry the confidence of the international community.

Opting for a de facto referendum at the special conference will be a signal to the international community that we are willing to countenance alternatives that are not underpinned by constitutional and legal norms. This would be the worst possible message to send – domestically as well as internationally – at the worst possible time.

Although the frustrations in our party and wider movement are very real and understandable, a de facto referendum will cause more problems than it solves. The barrier for success would be difficult to achieve and, even if it is achieved, it will not deliver independence. We then expose ourselves to the potential for further division, rancour and setbacks that could prove existential for the party and cause in years to come.

While a majority of Scots believe that a second referendum must be held to break the constitutional deadlock, the same cannot be said for an imminent de facto referendum. [1] Walking into the polling booth at the next election, voters will be thinking of their wallets, their health, and their security. It is vital that we are able to go into that election with a manifesto that connects with the ambitions of our fellow Scots, and use that campaign as an opportunity to drive support for independence and solidify the mandate for a referendum in a manner no Prime Minister can misinterpret, delay or ignore.

We know that the electorate believes a referendum should happen but they are not convinced by a de facto vote. It is our unionist opponents who are out of step with public opinion on this and we should not make the same mistake.

[1] Ipsos, 'Yes pulls ahead and SNP strengthens support', 7 December 2022; accessed via <https://www.ipsos.com/en-uk/yes-pulls-ahead-and-snp-strengthens-support>; SOURCE?



IV. THE PATH TO INDEPENDENCE

Our current deliberations seem to be confined to seeking a way to resolve the constitutional question as quickly as possible, taking little consideration of where public opinion stands.

In the first instance we need to decouple the mechanism by which independence can be delivered – a referendum – from the electoral cycle. Elections are important and it is vital that we use them to grow support for independence and steel the mandate for the referendum – after all, if we're not winning elections we are not progressing to independence. However, the election cycle is something that we are not in control of and, in the case of a UK election, the timing rests solely with the British government. We should not be content for them to unilaterally set the date on which Scots will decide their constitutional future.

In the upcoming Westminster election, we must be able to campaign on a manifesto that is relevant to the electorate: a social democratic, pro-European platform that reflects Scotland's values and marshals the coalition of SNP voters across the country to deliver a decisive victory. A commitment to securing a legitimate referendum with the necessary transfer of power – power that the Supreme Court verdict makes clear the Scottish Parliament would require – must be front and centre of this campaign and should be presented in a clear and consistent way throughout, from the leadership to the grassroots, in our manifesto and across all election material.

By reinforcing such an unambiguous mandate with the issue front and centre of our campaign – even putting the commitment into a form of words on the ballot paper itself – coupled with existing support for a second independence referendum, we will have steeled the mandate to such an unprecedented level that no Prime Minister can misinterpret, delay, or ignore it. It would be the fifth parliamentary election across two parliaments with such a commitment, but there must be a noticeable difference in the prominence that the issue is given compared to previous elections. It should also be supplemented with a national pro-independence campaign that is already in full-swing.

After all, if a majority of Labour MPs could be claimed as a mandate for Keir Starmer's constitutional proposals, a majority of SNP MPs will mark a final reinforcement for our proposal to have the necessary transfer of power for a legitimate referendum to take place, and it will be for the Scottish Parliament to determine the date of that referendum.



With support for Scottish independence consistently having risen since 2014, we know that this strategy works. Around half of the Scottish electorate now support independence and we must seek to grow and sustain this support through a new national campaign for independence. This campaign, fully resourced to run as a national body, should encourage and empower a more decentralised ground campaign in communities across Scotland and should be set up by this summer. The Scottish Government should also begin a process of engagement with the public and civil society about constitutional change – some have suggested a constitutional convention – and ensure that Scotland's many political traditions are able to take part. This work should begin this year.

We know that the public believe a referendum should happen but they are not convinced by a de facto vote, so opting for it means we start on the back foot. It is our unionist opponents who are out of step with public opinion on this and we should not make the same mistake. It is for them to explain to the electorate in the upcoming election why they insist on demurring from the political and constitutional norms that follow an election victory, and why the UK Government continues to frustrate the mandate the Scottish electorate choose to give their government in Edinburgh.

Whilst reinforcing that mandate for a referendum may seem intolerable and repetitive to some activists, the only thing worse than our own impatience would be for the public to lose patience with us. We know from polling and election results that the public find greater favour with a legitimate referendum rather than the de facto option, and only with a legitimate referendum can we deliver independence.

The lesson of the late Canon Kenyon Wright is that a people who say yes cannot be ignored.



V. Conclusion

Scotland's future is as an independent country. While we are not as close to that chapter in Scottish history as we might like, the drumbeat of major constitutional change is impossible to ignore. As we come together to discuss the future of our country, we cannot compromise on the standards which we have set for ourselves: a legal and constitutional referendum in which the Scottish people can democratically express their desire for self-determination. We call it the 'gold standard' for a reason.

A de facto referendum will not bring about Scottish independence. We must work between now and the special conference to craft a better way forward for the party to unite behind: until we find the path which takes us closer to achieving Scotland's independence. We cannot afford to be led down political culs-de-sac; ideas that tempt us with the promise of feeling like we are doing something but do not move us closer to an independent Scotland should be dismissed. Our cause is too important to expose to the risks that a de facto referendum represents.

Whilst there is a power imbalance that we must navigate our party through, we must remember that it is our opponents who are not respecting the democratic mandate provided by the electorate. They are the ones being unreasonable, not us. We must not alter that balance away from our favour and instead exercise the power we do have to maximum effect. With a popular leader, party, and cause, we must grow support for independence with renewed vigour, and ensure our case for independence is relevant to the challenges and ambitions that our fellow citizens are already alive to.

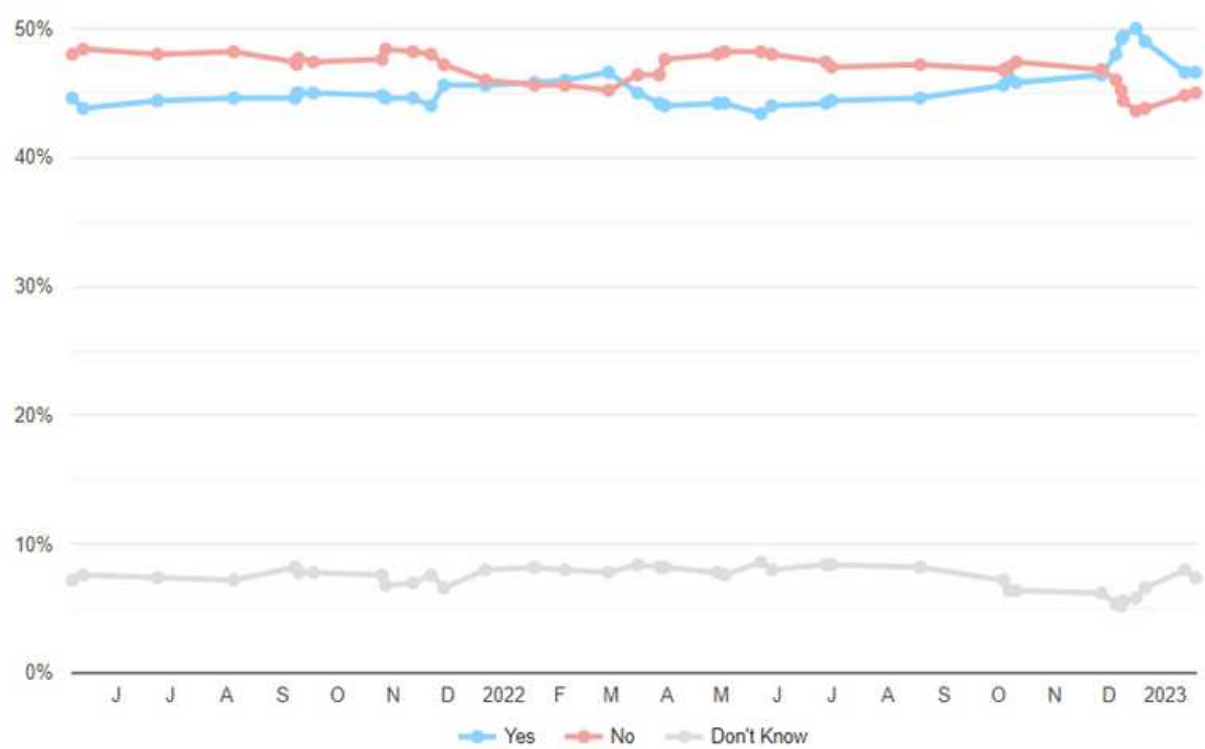
We must fight the next election on a campaign which puts the demand for the power to hold a legal referendum front and centre. To achieve that, we must establish a new national campaign to drive support for independence above the 50 per cent it currently enjoys, while refusing to derogate from our commitment to democracy and the rule of law. Scotland deserves no less.

I believe this to be the best way forward to delivering our shared objective of independence. I hope my fellow members of the SNP agree, and after the conference we unite to win.

yes!

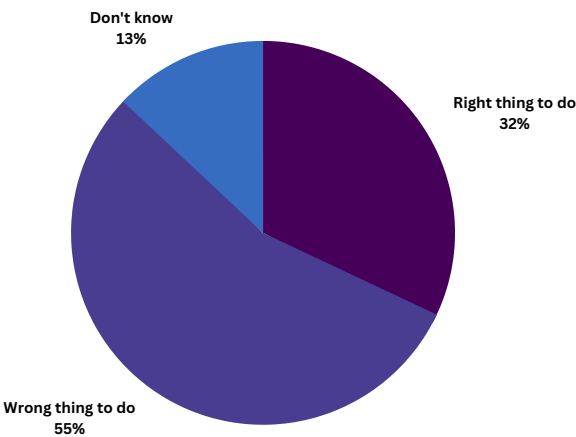
VI. WHAT THE POLLS TELL US

Support for independence

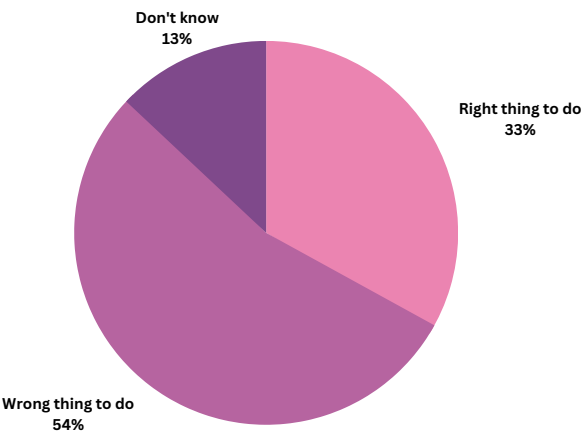


Tracking from Ballot Box Scotland up to January 18 2023: www.ballotbox.scot

Support for a de facto referendum at the next UK election

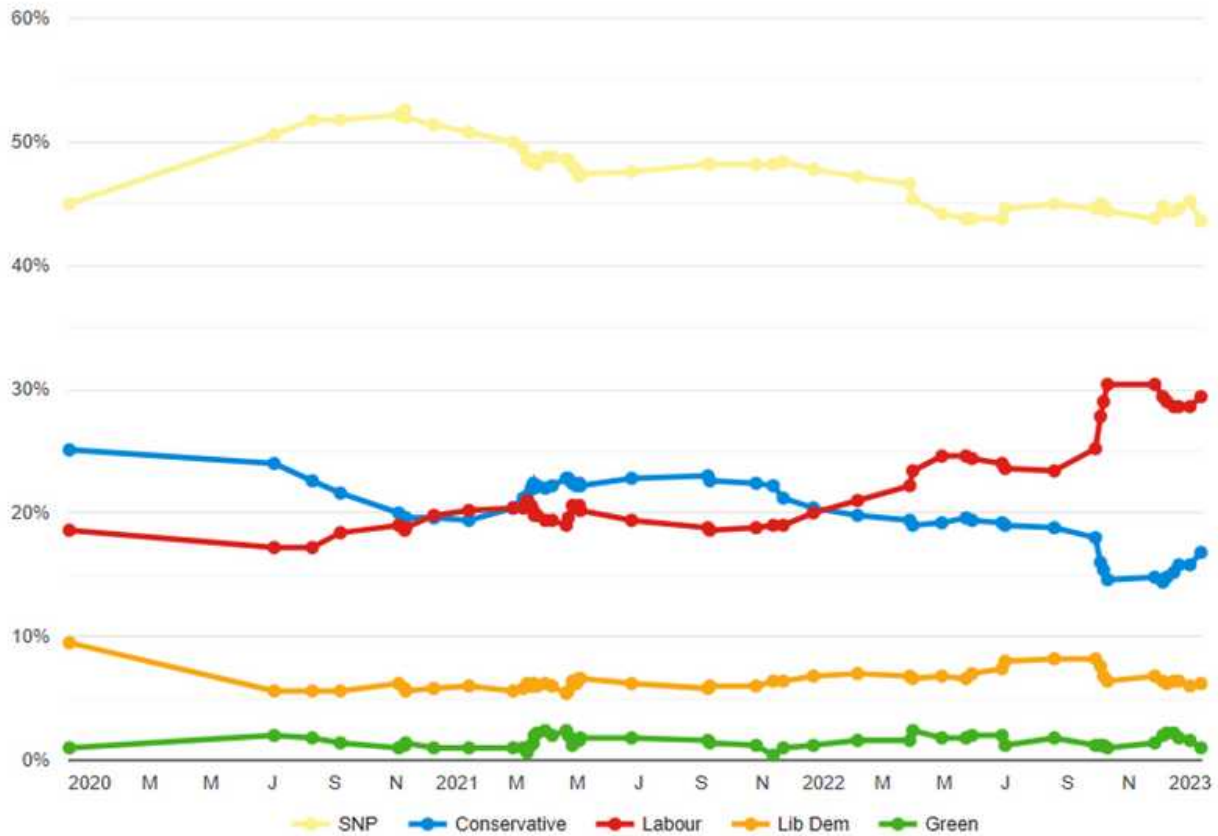


Savanta Comres, October 2022



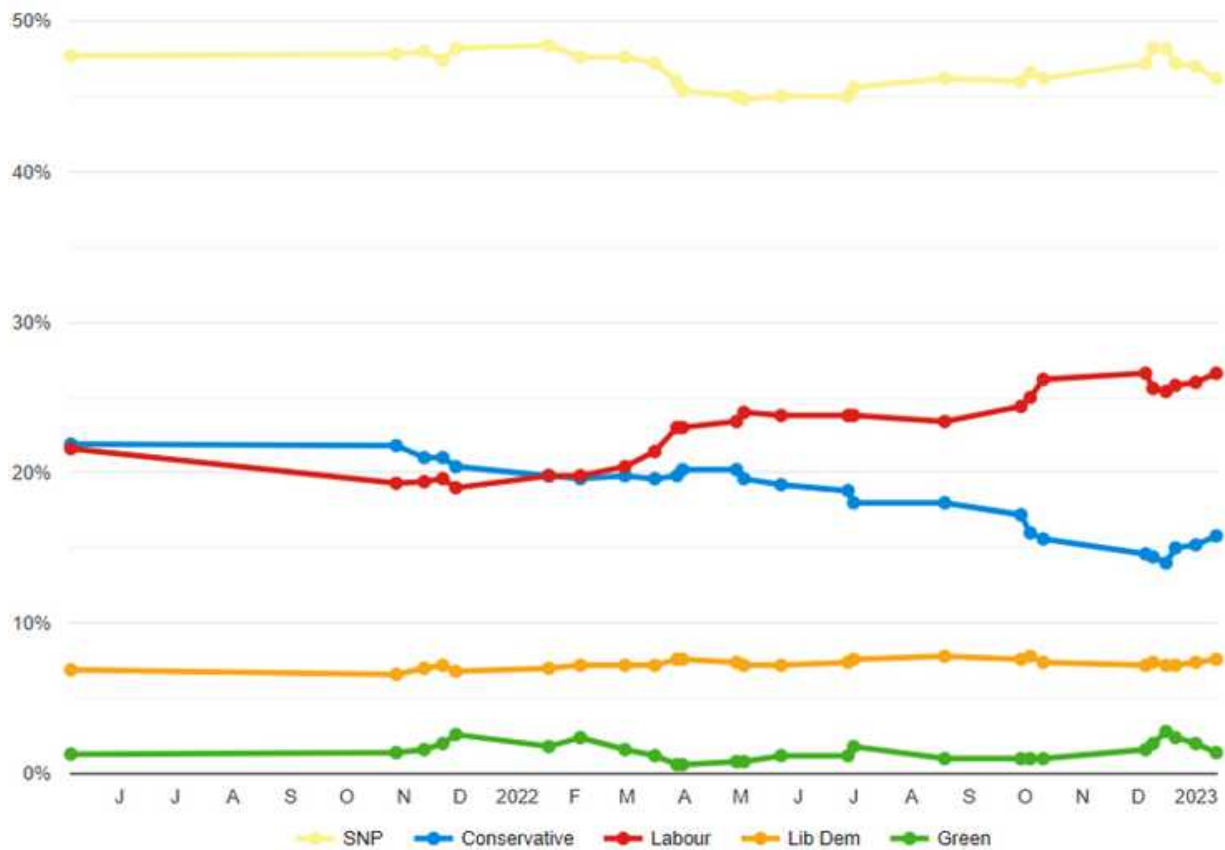
Survation, January 2023

Westminster polling trend



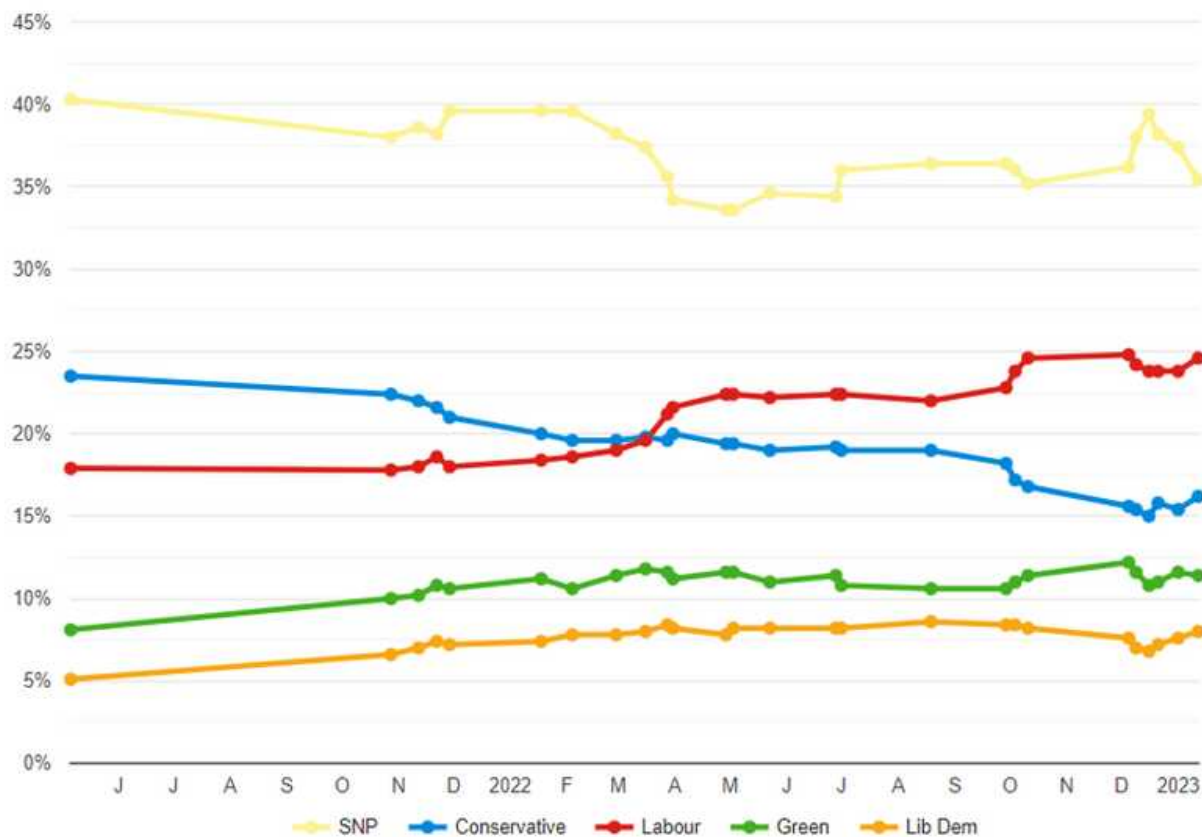
Tracking from Ballot Box Scotland up to January 12 2023: www.ballotbox.scot

Holyrood constituency polling trend



Tracking from Ballot Box Scotland up to January 12 2023: www.ballotbox.scot

Holyrood regional list polling trend

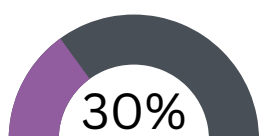


Tracking from Ballot Box Scotland up to January 12 2023: www.ballotbox.scot

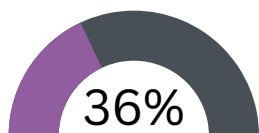
Trust in both governments

Level of trust in Scottish and UK Governments to work in Scotland's best interest (2021/22)

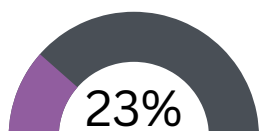
Scottish Government



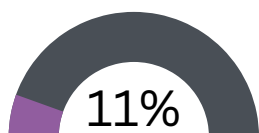
Just about always



Most of the time

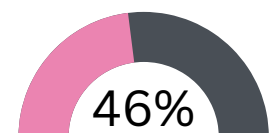
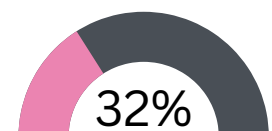
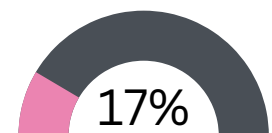
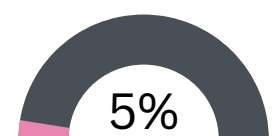


Some of the time



Almost never

UK Government



Scottish Social Attitudes 2021/2022

A SCOTLAND THAT CAN VOTE YES

STEWART MCDONALD MP

FEBRUARY 2023