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A TALE OF TWO ELECTIONS

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A tale of two elections

Abstract: *The article focuses on the results of the 2019 United Kingdom general election, paying particular attention to the implications for Brexit and the Scottish Question.*

The first election in the UK held in December since 1923 has resulted in the Conservatives winning an overall majority in the House of Commons. Boris Johnson led the Conservatives to victory, humiliating the Labour Party which had its worst election performance since 1935, achieving the kind of victory Theresa May, his predecessor, had hoped to achieve only two years before. Having failed to win an overall majority, Mrs May had intended to use prerogative powers, allowing the executive branch to negotiate and agree international treaties, and avoid having to gain Parliamentary approval. But this had been challenged in the courts. The UK's Supreme Court, an institution established only in 2009, ruled that Parliamentary approval was necessary. Brexit had dominated the last Parliament and Mrs May was unable to win Parliamentary approval for a deal she had negotiated with the EU for the UK's withdrawal, she announced her resignation in March 2019.

ELECTION RESULTS IN UK

	2017	2019
Seats required for an overall majority	326	
Conservatives	317	365 (+47)*
Labour	262	203 (-59)
Scottish National Party	35	48 (+13)
Liberal Democrats	12	11 (-1)
Others	24	23 (-)*
TOTAL	650	650

**Includes seat previously held by Speaker of Commons who retired at election.*

Boris Johnson emerged as leader of the Conservative Party and Prime Minister in the ensuing leadership contest. Unlike his predecessor, who had declared in favour of remaining in the EU but played little part in the 2016 Brexit referendum, Johnson had been a leading figure arguing to leave the EU. The new Prime Minister renegotiated a deal with the EU which also failed to win Parliamentary approval. He did succeed in winning the approval of the Commons to call an election.

The election was dominated by Brexit. Boris Johnson brought controversial strategists and campaigners he had worked with in the Brexit referendum into his election team. His simple message, repeated constantly, was that the Conservatives would 'get Brexit done'. Johnson avoided scrutiny by the media by refusing to be interviewed wherever possible, including by the BBC's main election interviewer. His advisers had concluded that it was better for him to be criticised for avoiding scrutiny than to face the possibility that the Conservative leader might say something that would undermine the campaign. This simple strategy proved effective.

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The Labour Party sought to avoid Brexit as the party was divided on Brexit and many of its erstwhile voters supported leaving the EU. Jeremy Corbyn, Labour’s leader, had a history of opposing the EU but tried to bridge the Brexit chasm amongst Labour voters. He was also the most left-wing leader since the 1930s and proved an easy target for hostile newspapers intent on portraying him and his party as extremists. Labour’s manifesto, proposing a policy programme for five years in government, was the most radical in generations and proved unpopular, including amongst many of its traditional supporters. Labour under Corbyn had performed much better than most commentators had expected but two years later he proved unable to gain the momentum that had allowed Labour to prevent Theresa May from winning an overall majority.

The Liberal Democrats tried to present themselves as the only pro-Remain party and Jo Swinson, elected LibDem leader only five months before, maintained she would become Prime Minister and under her Premiership Parliament would ‘revoke Article 50’ ie reverse the decision to leave the EU without a referendum. In the event not only did her party fail to come close to becoming the largest party, Ms Swinson herself lost her seat to the Scottish National Party (SNP).

Though the UK Independence Party (UKIP) had never succeeded in gaining more than one seat at a UK general election, the threat it posed pushed the Conservatives to an increasingly hardline Brexit position. UKIP had imploded as a party after the Brexit referendum and Nigel Farage, its populist leader, established a new party – the Brexit Party which threatened to undermine the Conservatives chances in the election. Though there was little chance of the Brexit Party - winning seats, it was capable of taking votes from the Conservatives and preventing Johnson’s party from winning in a number of constituencies under the UK’s simple plurality (otherwise known as First Past The Post) electoral system. In the event, Farage announced that his party would not contest seats held by Conservatives. Farage and the Brexit Party contributed to Johnson’s success.

A very different election and electoral outcome occurred in Scotland. At the previous election in 2017, the SNP had won 35 (of 59) seats in Scotland to retain its position as Scotland’s largest party but had lost 21 seats from its extraordinary achievement in 2015 when it had won 56 of Scotland’s 59 seats. Though failing to achieve the level of support won four years ago, the SNP’s gains reduced the once dominant Labour Party in Scotland to one seat and more than halved the number of Conservative MPs. While the SNP lost a seat to the Liberal Democrats it more than made up for this by taking the seat of the Liberal Democrats’ UK leader and gaining all but one of Labour’s Scottish seats and over half Scottish Conservative seats.

ELECTION RESULTS IN SCOTLAND

	2015	2017	2019
Scottish National Party	56	35 (-21)	48* (+13)
Conservatives	1	13 (+12)	6 (-7)
Liberal Democrats	1	4 (+3)	4 (-)
Labour	1	7 (+6)	1 (-6)
TOTAL	59	59	59

**Includes an independent MP who supports Scottish independence.*

The different Scottish results reflected very different underlying issues and attitudes. Scotland had voted against Brexit (62%) in the 2016 referendum. Brexit was a key issue and

the clear and growing Scottish majority in favour of remaining in the EU was disadvantage to the Conservatives whereas this had helped the Conservatives in England and Wales. The other key (and related issue) was Scottish independence and in particular a second independence referendum. The 2014 Scottish independence referendum had seen a clear majority in favour of the union (55%) but the SNP had argued that there had been a ‘material change in circumstances’ in the form of Brexit that should allow for a second referendum.

The Scottish Conservatives, keen to avoid Brexit or defend the record of the Conservative Government in London, focused almost exclusively on opposing a second independence referendum. It hoped but failed to repeat its campaign in the previous general election when it had gained seats. Labour was in a similar position on an independence referendum in Scotland as it was on Brexit across the UK. Many Labour voters supported Scottish independence placing the party in an awkward position. The results inevitably led to Nicola Sturgeon, SNP leader and Scotland’s First Minister, to demand that Boris Johnson permit a referendum to be held in 2020.

What next?

The outcome of the election means that the Conservatives now have an overall majority in the Commons. Given that no Parliament can bind its successor in the UK constitution, the Prime Minister will be relatively unfettered, subject only to the support of his own MPs. This has, of course, always been the case but the difference now is that the UK has a Prime Minister deemed by most commentators to be willing to exercise this power ruthlessly.

The Conservative manifesto gave little sense of the kind of programme he will follow. ‘Get Brexit Done’ is a slogan, not a policy, and can be interpreted in a number of ways. The manifesto states that the Johnson Government will ‘keep the UK out of the single market, out of any form of customs union, and end the role of the European Court of Justice’. It insists that the Government ‘will not extend the implementation period beyond December 2010’. This will, in their words ‘unleash Britain’s potential’. Various promises are made to increase spending and introduce an ‘Australian points-based system’ of immigration controls. The promise to balance the budget while opposing tax increases means, as the respected Institute for Fiscal Studies reported in its comment on the various parties’ manifestos, ‘The chances of holding spending down as they [the Conservatives] propose over a five-year parliament look remote.’ The prospect of a smooth Brexit which ‘unleashes’ economic potential or even has no adverse effect on the UK economy is widely seen as unrealistic.

Brexit was portrayed in the referendum and again in the recent election as a simple binary question: Leave vs Remain. In reality, it involves a series of relationships covering an array of issues. While the initial deal will now easily pass through Parliament, negotiations on the nature of this complex relationship will begin. The UK Government has added an amendment to legislation it had tried to gain Parliamentary approval for which will prevent any extension of the transition period beyond the end of 2020. If at the end of this period, no deal is agreed on future trading relations then EU-UK relations would default to World Trade Organization terms.

The Conservative Government’s post-Brexit experience has encouraged it to consider reforms to the UK’s constitution. The Conservative manifesto hinted at significant changes in how the UK will be governed without making any commitments. The manifesto stated, ‘...we need to look at the broader aspects of our constitution: the relationship between the

Government, Parliament and the courts; the functioning of the Royal Prerogative; the role of the House of Lords; and access to justice for ordinary people.’ They promise to set up a Constitution, Democracy & Rights Commission to examine these and other matters. This has been interpreted by some critics as an ominous sign that the Government aims to take revenge on the Supreme Court following its decision forcing the previous Prime Minister to face a Parliamentary vote on her Brexit Deal.

But while the Johnson Government may be confident that its majority allows it fairly unlimited power to pursue its Brexit agenda and alter the UK constitution, it faces difficulties in Scotland. The Conservatives fought what almost amounted to a single issue campaign in Scotland. They campaigned against a second independence referendum. The SNP had argued that an independence referendum should be held in 2020 and maintained that their victory meant there was a ‘mandate’ for a referendum. There remains little likelihood of an independence referendum in 2020 as this would require either the UK Parliament to agree to this or the Scottish Government introduces legislation to permit a consultative referendum in the Scottish Parliament. There is little doubt that any effort by the Scottish Parliament to legislate for a referendum would be challenged in the courts.

While the UK Government is likely to win the battle of whether a referendum is held, they find themselves on the defensive in Scotland with only six of Scotland’s 59 seats. The ‘Scottish Question’ never disappeared after the 2014 independence referendum and Brexit has breathed new life into the issue. Brexit has once more highlighted a growing divergence in opinion in Scotland from the rest of the UK.

The UK’s 2019 election marked a potentially significant moment in UK politics. It ensures that the UK will leave the EU, ending speculation that there might be a second Brexit referendum. It provides Boris Johnson with a large overall majority, allowing him to make changes to the UK constitution. But it has also left a major question over Scotland’s position within the UK.