The Secretary of State for Scotland  
1 Melville Crescent  
Edinburgh  
EH3 7HW  

10th February 2017  

Dear Secretary of State  

SPECULATION ABOUT A SECOND SCOTTISH REFERENDUM  

You will be aware of speculation that the Scottish Government’s First Minister will ‘call’ a second referendum on Scottish independence, perhaps at her party conference in Aberdeen in March. I am writing to you now to express the views of the Directors, staff and supporters of Scotland In Union. Scotland in Union is a non-party movement which unites people around a positive view of Scotland in the UK.  

The Edinburgh Agreement and the ‘Scotland’s Future’ White Paper  

In its consultation on a Draft Referendum Bill, the Scottish Government stated that if it decides to formally introduce the Bill to the Scottish Parliament, it would be expected that a Section 30 Order under the Scotland Act 1998 would be sought from the UK Parliament. As you know, the Act includes aspects of the constitution as matters reserved from the UK Parliament, and they include the Union of the Kingdoms of Scotland and England — and it was passed following a White Paper and endorsement by a referendum in Scotland in 1997. Scotland in Union does not believe that, if sought, the UK Government should seek to secure a Section 30 Order from the UK Parliament for two fundamental reasons:  

First, the Edinburgh Agreement. In October 2012, the UK Government and the Scottish Government entered into the Edinburgh Agreement, which was signed on behalf of the Scottish Government by the present First Minister. It stated that the result of the referendum which subsequently took place in September 2014 should ‘deliver a fair test and a decisive expression of the views of the people of Scotland and a result that everyone will respect’. The Agreement did not contain any caveat or conditions with regard to future events, and Scotland in Union believes that means that the result of the September 2014 referendum was decisive and should be a result that everyone respects. The absence of caveats or conditions in the Edinburgh Agreement means subsequent events cannot change that.  

Second, the Scotland’s Future White Paper. In November 2013, the previous First Minister and the present First Minister launched the Scotland’s Future White Paper, which was described as a ‘guide to an independent Scotland’. In that White Paper, the Scottish Government referred to the referendum as a ‘once in a generation opportunity’ (pages i and 556). Crucially, it also explicitly raised the prospect of a referendum on the UK’s membership of the EU resulting in a vote to leave despite a majority of voters in Scotland voting to remain (pages 60, 217 and 460). In other words, although it explicitly highlighted the possibility of a majority of people in the UK as a whole voting to leave the EU while a majority of people in Scotland voted to remain, it still referred to the referendum as a ‘once in a generation’ opportunity, without any caveat or conditions with regard to future events. Scotland in Union believes that, in addition to the Edinburgh Agreement, this confirms that
the result of the 2014 referendum should be regarded as decisive and that the result should be one that everyone respects and that subsequent events do not change that.

Lack of clear and sustained evidence of clear demand for a referendum

Beyond these two fundamental reasons, Scotland in Union believes that another referendum should only then be contemplated if there were to be clear and sustained evidence of clear demand on the part of a majority of people for such a referendum to take place within a defined timetable. Scotland in Union does not believe there is evidence of such a demand, and believes it would have to transcend the normal political cycle to warrant being described as sustained.

No referendum without the facts, jointly stated

There is one other point with regard to any referendum relating to independence for Scotland that Scotland in Union believes is of critical importance. Were they to be asked to vote again on their nation’s future, voters in Scotland would be entitled to an honest assessment of the choice they face. Any such referendum should be preceded by an objectively informed debate that does not allow unsubstantiated assertions to be presented as facts. This would clearly be in the interests of voters and should be in the interests of referendum campaigners.

To achieve this, Scotland in Union believes that holding any future referendum with regard to Scotland’s status within the UK must be conditional upon the UK and Scottish Governments publishing a joint and agreed statement on the following matters, amongst others:

- the division of powers between the Scottish Parliament and the UK Parliament;
- the state of Scotland’s public finances;
- the position with regard to the Sterling and the Bank of England’s status as a central bank;
- the proportion of Scottish goods and services that are consumed in the rest of the United Kingdom; and
- the responsibility for meeting obligations relating to state pensions in an independent Scotland.

In addition, Scotland in Union suggests that in order to avoid any future referendum being conflated with day-to-day political issues, the UK and Scottish governments should also publish a joint and agreed statement on matters such as their respective commitments to the National Health Service, equalities and international aid. This would help to provide voters with the honest assessment of the choice they were being asked to make that they are entitled to receive; it should also help to reduce the major divisions to which any referendum would give rise.

No referendum without fairness to both sides

If the UK Government were to receive a request to secure a Section 30 Order; if the Edinburgh Agreement and the Scotland’s Future White Paper commitments were to be set aside; if there was clear and sustained evidence of a demand for a referendum within a defined timetable; and if a joint assessment of the facts by the UK and Scottish Governments could be agreed; the governance of any future referendum should be a joint endeavour between the two governments, so that the question, the length of campaign, the date and other voting-related arrangements reflect the views of both sides of the referendum argument and do not represent an advantage for one side over the other.
For example, in light of the arguments presented by the Electoral Commission in September 2015 in relation to the EU referendum, it is essential that any question in any future Scottish referendum is balanced and has no perception of bias. The franchise, and the rules on campaign length and campaign spending, should also be reviewed and there should be clear reasons why particular options are selected and agreed between the two governments; there should not simply be a repeat of the conditions of 2014.

‘Politics is not a game’

It is almost nine months since the EU referendum, and Scotland in Union did not and does not have a view on EU membership. We do, however, believe that Brexit should not be used as a pretext for a second Scottish referendum, given the commitments made in the Edinburgh Agreement and the Scotland’s Future White Paper. We also do not believe that a referendum should be allowed simply because of a perceived need on the part of a political leader to ‘manage’ her party membership; and it certainly should not be called if - as some reports suggest - the Scottish Government would not commit to EU membership for an independent Scotland. As the Prime Minister has said, politics is not a game, and a referendum should not be called for politically-motivated reasons. The absence of a referendum allows the Scottish Government First Minister to focus on her stated first priority of education, an endeavour in which Scotland in Union wishes her every success.

Scotland In Union urges the UK Government to address any request for a Section 30 Order with due respect - but with commensurate respect for the result of the 2014 referendum, and the commitments to its decisive nature that were given in advance of it by the Scottish Government, including the present First Minister.

Yours in unity

Alastair Cameron
Director
for Scotland in Union

Scotland In Union is registered in Scotland, Company Number 492324.